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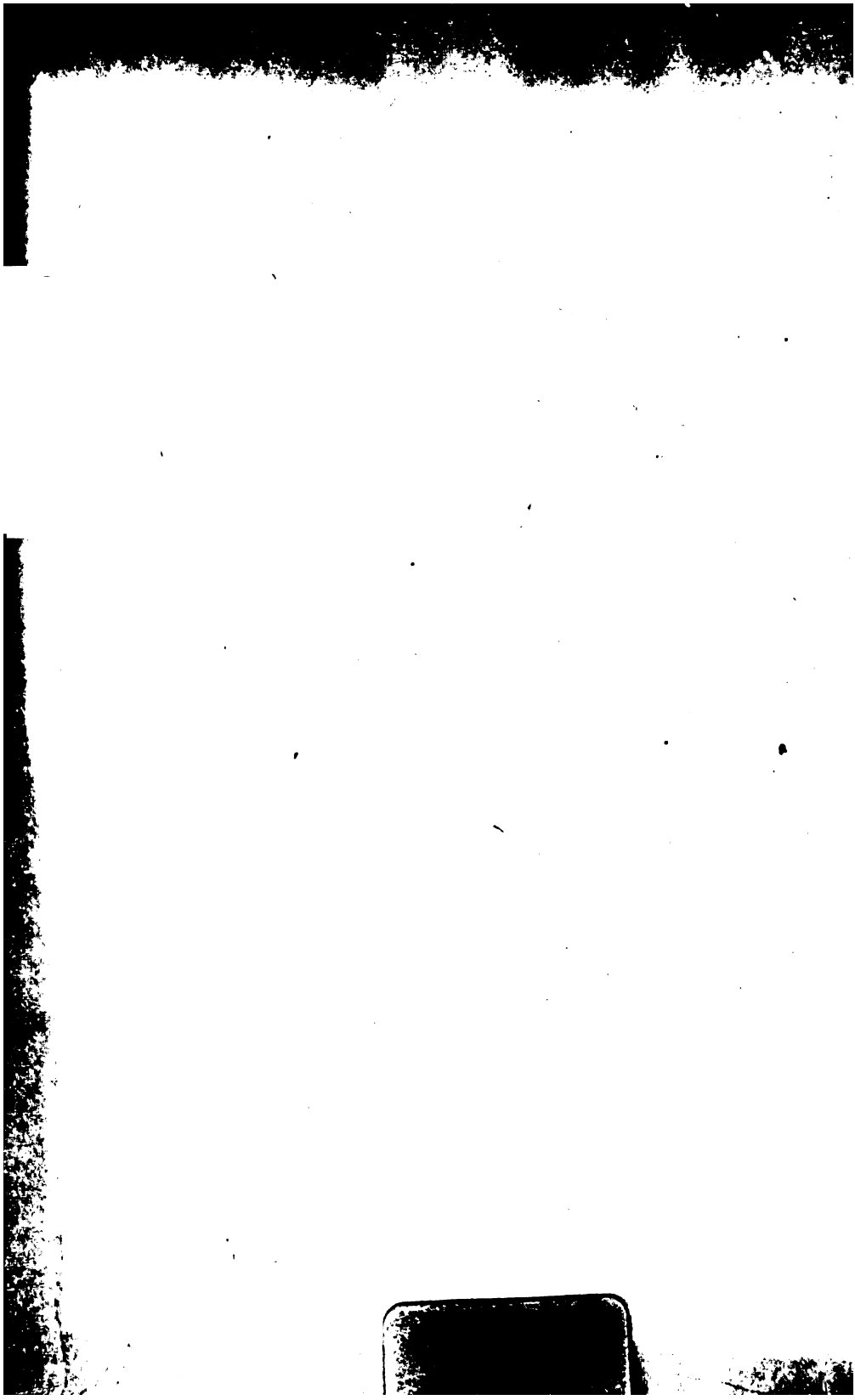

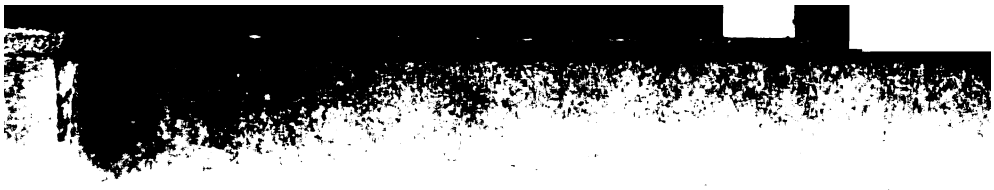

THE

MISCELLANEOUS DOCUMENTS

OF THE

SENATE OF THE UNITED STATES

FOR THE

FIRST SESSION OF THE FIFTY-FIRST CONGRESS.

IN SIX VOLUMES.

Volume 1.—Nos. 1 to 13, inclusive.
Volume 2.—Nos. 14 to 163, inclusive, except No. 78.
Volume 3.—No. 78, Report Commissioner of Patents.
Volume 4.—Nos. 164 to 245, inclusive, except No. 178.
Volume 5.—No. 178, Tariff Statements and tables.
Volume 6.—No 246, Appropriations, New Offices, etc.

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TO

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 164.

IN THE SENATE OF THE UNITED STATES.

JUNE 12, 1890.—Ordered to be printed.

Mr. EDMUNDS submitted the following

RESOLUTION:

Resolved, That Edward K. Valentine be, and he is hereby, appointed Sergeant-at-Arms of the Senate, to take office on the thirtieth day of June, eighteen hundred and ninety.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 165.

IN THE SENATE OF THE UNITED STATES.

JUNE 16, 1890.—Referred to the Committee on Indian Affairs and ordered to be printed.

Letter from the Assistant Clerk of the Court of Claims transmitting findings filed by said court in the case of E. N. Fish & Co., and other causes.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, June 14, 1890.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the said Court of Claims in the aforesaid causes, which case was referred to this court by the Committee on Indian Affairs of the Senate, under the act of March 3, 1883.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

Hon. PRESIDENT OF THE SENATE OF THE UNITED STATES.

[Court of Claims. Congressional Case, No. 1158. E. N. Fish & Co. *vs.* United States.]

At a Court of Claims held at the city of Washington on the 26th day of May, A. D. 1890, the court filed the following statement of case and findings of fact, to wit:

STATEMENT OF CASE.

The claim or matter in the above-entitled case was transmitted to the court by the Committee on Indian Affairs of the Senate on the 22d day of July, 1886.

John Mullan and W. B. King, esqs., appeared for claimant, and the Attorney-General, by Henry M. Foote, his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The case having been brought to a hearing on the 7th day of May, 1890, the court upon the evidence and after considering the briefs and arguments of counsel on both sides, finds the facts to be as follows:

FINDINGS OF FACT.

I.

The claimants, Edward N. Fish and Simon Silverberg, were partners, as merchants, doing a general mercantile business in Tucson, Ariz., under the firm name of E. N. Fish & Co., in the year 1873. In the summer of 1873 the Indians at the San Carlos Indian Reservation, in Arizona, were turbulent, and an outbreak was expected, to prevent which it was necessary to furnish them rations regularly. No sufficient flour for issue to said Indians being then on hand, Capt. William H. Brown, Fifth Cavalry, U. S. Army, then acting as Indian agent at that agency, came to the claimants at Tucson, Ariz., in the latter part of August, 1873, and represented these facts to them, and urgently requested them to furnish and deliver, at their own expense, 100,000 pounds of flour at this reservation, and assured them of payment there-

for within thirty days, agreeing to pay for said flour, including transportation by wagons to said reservation, a distance of over 200 miles from Tucson, Ariz., for first quality 13 cents per pound, and for seconds 11 cents per pound.

II.

On the 2d day of September, 1873, the claimants delivered flour at said reservation as follows, to wit:

60,000 pounds of seconds, at 11 cents per pound	$6,600
40,000 pounds of first quality, at 13 cents per pound	5,200
Total	11,800

III.

The claimants have received on account from the United States the following sums of money for said flour, to wit:

By draft of July 21, 1884	$5,750
By draft of May 25, 1885	1,750
By draft of November 3, 1888	2,500
	10,000
Leaving a balance still unpaid of	1,800

IV.

The reason for non-payment of the full amount claimed was that the Second Comptroller was not satisfied that the flour was worth the amount claimed per pound.

The claimants have since the reference of this claim to this court taken testimony as to the value of the flour at the date of purchase and place of delivery, stated herein, and the court finds as a fact that said flour was worth the amount herein claimed.

BY THE COURT.

Filed May 26, 1890.
A true copy.
Test this 14th day of June, A. D. 1890.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

[Court of Claims. Congressional case No. 1158.) W. B. Hugus, for the use of E. N. Fish & Co., vs. The United States.]

At a Court of Claims held in the city of Washington on the 26th day of May, A. D. 1890, the court filed the following statement of case and findings of fact, to wit:

STATEMENT OF CASE.

The claim or matter in the above-entitled case was transmitted to the court by the Committee on Indian Affairs of the Senate on the 22d day of July, 1886.

John Mullan and W. B. King, esqs., appeared for claimant, and the Attorney-General, by Henry M. Foote, his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The case having been brought to a hearing on the 7th day of May, 1890, the court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, finds the facts to be as follows:

FINDINGS OF FACT.

(1) In the year 1873 the claimant, Wilbur B. Hugus, was a merchant doing a general mercantile business at Tucson, Ariz. In the summer of 1873 the Indians at the San Carlos Indian Reservation, in the Territory of Arizona, were very turbulent, and an outbreak was feared. To prevent this it was necessary to furnish them rations regularly. No sufficient supply of rations for issue to said Indians being then on hand, Capt. William H. Brown, Fifth Cavalry, U. S. Army, then acting Indian agent at said agency, came to this claimant at Tucson, Ariz., and represented to him the

condition above stated, and requested him to furnish during the months of July, August, and September, 1873, various necessaries or supplies then required at said agency, and assured him that payment would be made within thirty days, agreeing to pay, including transportation by wagons to said reservation, a distance of over 200 miles, the prices stated in the schedule recited in the next finding.

(2) The following-named supplies were delivered by this claimant at said reservation on the dates therein stated:

July 10, 1873,	40,000 pounds flour, at $12\frac{15}{100}$ cents	$5,100.00
	1,000 pounds soap, at 23 cents	230.00
Aug. 15, 1873,	25,000 pounds flour, at 13 cents	3,250.00
Sept. 10, 1873,	15,290 pounds flour, at 13 cents	1,987.70
	300 pounds coffee, at 40 cents	120.00
	200 pounds soap, at 23 cents	46.00
	30 pounds tobacco, at $2	60.00
	30 pounds candles, at 50 cents	15.00
	8,000 pounds hay, at 1½ cents	120.00
Total		10,928.70

(3) The following sums of money have been paid on account by the United States for said supplies:

By draft of July 21, 1884	$5,076.18	
By draft of March 16, 1885	3,452.32	
		8,523.50
Leaving a balance still unpaid of		2,400.20

The delay in payment has not been due to any fault or negligence on the part of this claimant. The reason for non-payment of the full amount claimed was that the Second Comptroller was not satisfied that the supplies were worth the amount charged per pound.

(4) The claimant has since the reference of this claim to this court taken testimony as to the value of said supplies at the date of purchase and place of delivery, as stated, and the court finds as a fact that said supplies were worth the whole amount herein claimed.

(5) The vouchers issued for said supplies were indorsed and assigned by the claimant, W. B. Hugus, to the firm of E. N. Fish & Co., consisting of E. N. Fish and Simon Silverberg, merchants, then doing business at Tucson, Ariz., partly in payment of an indebtedness of said Wilbur B. Hugus, the claimant, to said E. N. Fish & Co., and partly in cash at their face value. At the time when said vouchers were thus indorsed it was customary in the Treasury Department and in the Indian Bureau to recognize similar assignments and indorsements of vouchers as valid. All payments which have so far been made upon this claim have been paid over by this claimant to said assignees, E. N. Fish & Co., and said Hugus has always fully recognized the right of E. N. Fish & Co. thereto. He has filed a formal petition expressly requesting that the balance found due herein may be paid by the Government to E. N. Fish & Co., the assignees herein, and not to him.

Filed May 26, 1890.

BY THE COURT.

A true copy.
Test this 14th day of June, A. D. 1890.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

[Court of Claims. Congressional case No. 1158. James M. Barney, for the use of Bowers & Richards, *vs.* The United States.]

At a Court of Claims held in the city of Washington, on the 26th day of May, A. D. 1890, the court filed the following statement of case and findings of fact, to wit:

STATEMENT OF CASE.

The claim or matter in the above-entitled case was transmitted to the court by the Committee on Indian Affairs of the Senate on the 22d day of July, 1886.

John Mullan and W. B. King, esqs., appeared for claimant and the Attorney-General, by Henry M. Foote, his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The case having been brought to a hearing on the 7th day of May, 1890, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, finds the facts to be as follows:

FINDINGS OF FACT.

1. A written contract was made between the claimant and the United States on the 28th of June, 1873, the United States acting through Edward P. Smith, Commissioner of Indian Affairs, whereby the claimant agreed to furnish to the United States 2,000,000 pounds, more or less, of fresh beef, to be delivered on the hoof to various Indian reservations in Arizona, during the fiscal year ending June 30, 1874, at the rate of 5 cents per pound. The material clauses of said contract are as follows:

"Articles of agreement made and entered into this 28th day of June, A. D. 1873, between Edward P. Smith, Commissioner of Indian Affairs, for and in behalf of the United States, of the first part, and James M. Barney, of Arizona City, Yuma County, Arizona Territory, of the second part, witnesseth:

"(1) That the said party of the second part, for himself, his heirs, executors, and administrators, hereby covenants and agrees with said party of the first part to furnish and deliver to the United States Indian agencies situated at the Colorado River, Camp Verde, Chiricahua and White Mountain, San Carlos and Camp Apache divisions, Indian reservations, in Arizona Territory, 2,000,000 pounds, more or less, of fresh beef on the hoof, hides and all refuse included, during the fiscal year ending June 30, 1874, at such times and in such quantities as the said agents may require.

"(3) In consideration of the faithful performance of this contract on the part of the party of the second part, the said party of the first part agrees to pay, or cause to be paid, to the said party of the second part, his heirs, executors, or administrators for all the beef received under this contract, the sum of 5 cents per pound gross weight, in United States currency, on the presentation at the office of Indian Affairs, in Washington, D. C., a proper receipt for the same, signed by the United States agents stationed at the aforesaid Indian reservations, respectively."

2. Large deliveries of beef, amounting to nearly 2,000,000 pounds, more or less, were made under this contract, and all the beef so delivered was paid for by the United States at the rate of 5 cents per pound, excepting two deliveries at the Rio Verde Indian Agency, one in May, 1874, of 139,427 pounds, amounting to $6,971.35, and one in June, 1874, of 140,000 pounds, amounting to $7,000, a total of $13,971.35

3. Payment was not made for said last-named deliveries at said time only because of the exhaustion of appropriation of money therefor. The following payments of money have been made on account by the United States for the said deliveries of beef, to wit:

By draft of January 8, 1877	$4,520.24	
By draft of May 5, 1877	5.34	
By draft of July 21, 1884	3,500.00	
By draft of July 21, 1884	1,893.01	
By draft of July 21, 1884	518.00	
Total		10,436.59
Leaving a balance still unpaid of		3,534.76

The delay in payment was not due to any fault or negligence on the claimant's part.

The reason for non-payment of the full amount claimed was that the Second Comptroller was not satisfied that the beef delivered was worth the price charged per pound, as agreed to be paid in said contract.

4. The claimant has, since the reference of this claim to this court, taken testimony as to the value of beef at the time and place of delivery as stated, and the court finds as a fact that it was worth fully the whole contract price, as herein claimed.

5. The beef furnished and delivered to the United States under this contract between James M. Barney and the United States was supplied by George W. Bowers and Hugo Richards, partners, then doing business at Tucson, Ariz., under the firm-name of Bowers & Richards, as subcontractors. Barney assigned and indorsed the vouchers issued in settlement of these claims to said Bowers & Richards in payment of an indebtedness due them from him, with the expectation on both sides that said assignment would be recognized by the United States and payment immediately be made. At that time similar assignments and indorsements of vouchers were recognized as valid by the Indian Bureau and by the Treasury Department, and payments were made to assignees and indorsees. The first payments, hereinbefore recited, aggregating $4,525.58, were made by the Department by warrants and drafts drawn in the names of and paid to said assignees, and all other payments since made have

been paid over by said Barney to said Bowers & Richards, the assignees. Said Barney has filed a formal petition expressly requesting that the balance found due herein may be paid by the Government to Bowers & Richards, the assignees, and not to him.

BY THE COURT.

Filed May 26, 1890.
A true copy.
Test: This 14th day of June, A. D. 1890.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

[Court of Claims. Congressional case, No. 1158. William B. Hooper & Co., for the use of Sutro & Co., *vs.* The United States.]

At a Court of Claims held in the city of Washington on the 26th day of May, A. D. 1890, the court filed the following statement of case and findings of fact, to wit:

STATEMENT OF CASE.

The claim or matter in the above-entitled case was transmitted to the court by the Committee on Indian Affairs of the Senate on the 22d day of July, 1886.

John Mullan and W. B. King, esqs., appeared for claimant, and the Attorney-General, by Henry M. Foote, his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The case having been brought to a hearing on the 7th day of May, 1890, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, finds the facts to be as follows:

FINDINGS OF FACT.

1. In the years 1873 and 1874 the claimants, William B. Hooper and James M. Barnéy, were merchants doing business in Tucson, Ariz., and elsewhere as partners under the firm-name of William B. Hooper & Co.

Under the authority of the Commissioner of Indian Affairs, and the direction of of Julius W. Mason, major of the Third Cavalry, U. S. Army, acting Indian agent at the Rio Verde Indian Agency and Reservation in Arizona, and in order to meet an exigency then existing, said firm delivered certain supplies at said Indian reservation or agency on the dates named and described as follows, to wit:

On April 26, 1874:		
50,000 pounds flour, worth 11¼ cents per pound	$5,875.00	
9,900 pounds barley, worth 7.43 cents per pound	735.57	
		6,610.57
On May 29, 1874:		
57,000 pounds flour, worth 11¼ cents per pound		6,697.50
Total		13,308.07

The prices above stated were agreed upon by the Commissioner of Indian Affairs and the claimants.

2. The following sums of money on account have been paid by the United States for said supplies, to wit:

By draft of June 10, 1876	$2,500.00	
By draft of July 21, 1884	4,172.25	
By draft of March 16, 1885	3,156.50	
Total		$9,828.75
Leaving a balance still unpaid of		3,479.32

The delay in payment was not due to any fault or negligence on the claimant's part. The reason for non-payment of the full amount claimed was that the Second Comptroller was not satisfied that said supplies were worth the amount charged per pound.

3. The claimant has, since the reference of the claim to this court, taken testimony as to the value of flour and barley at the time and place herein stated, and the court finds, as a fact, that it was worth fully the price claimed.

4. The vouchers for said supplies, so issued by the United States, were indorsed and assigned by the claimants at the time of their issue. At that time it was customary in the Treasury Department and in the Indian Bureau to recognize similar assigu-

ments and indorsements of vouchers as valid. All amounts of money received from the United States have been paid over to the assignees, and the claimants, William B. Hooper & Co., have always recognized the right of the assignees thereto. Subsequent assignments and indorsements have been made, finally resulting in an assignment of the rights of all parties to Gustavo Sutro, Emile Sutro, and Charles Sutro, partners doing business under the firm-name of Sutro & Co., San Francisco, Cal. By petition filed in this court the firm of William B. Hooper & Co., through James M. Barney, the member of said firm charged with the conduct of this business, have requested that payment, when made by the United States, be made to said Sutro & Co., as assignees.

BY THE COURT.

Filed May 26, 1890.
A true copy.
Test: This 14th day of June, A. D. 1890.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

O

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 166.

IN THE SENATE OF THE UNITED STATES.

JUNE 18, 1890.—Referred to the Committee on Foreign Relations and ordered to be printed.

Mr. MORGAN submitted the following

RESOLUTIONS:

Resolved, That all private claims of citizens of the United States against foreign governments, presented to the Senate by petition or otherwise, shall be referred to the committee now styled the Select Committee to Inquire into all Claims of Citizens of the United States against the Government of Nicaragua, which shall be hereafter styled the "Committee on Private Claims against Foreign Governments," and is hereby made a standing committee of the Senate.

Resolved, That said committee shall receive any proofs that shall be offered in support of any such private claim and refer the same to the Department of State for consideration as to the legality and value of the same as evidence; and if said committee shall make any recommendation in respect of any such claim the same shall be reported to the Senate for consideration.

C

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 167.

IN THE SENATE OF THE UNITED STATES.

JUNE 18, 1890.—Ordered to lie on the table and be printed.

LETTER OF THE SECRETARY OF THE SENATE, TRANSMITTING, IN RESPONSE TO SENATE RESOLUTION, A LIST OF CLERKS OF SENATE COMMITTEES RECEIVING ANNUAL SALARIES.

OFFICE OF SECRETARY OF THE UNITED STATES SENATE,
Washington, June 18, 1890.

SIR: In response to a resolution of the Senate,—

That the Secretary of the Senate be, and he is hereby directed, to furnish the Senate with a list of the names of all annual clerks to Senate committees during the year ending March 4, 1890; to what committees assigned and the salary received by each, also under what authority and when employed.

I have the honor to submit the following statement.

Respectfully yours,

ANSON G. MCCOOK.

Hon. LEVI P. MORTON,
President of the Senate.

Committee.	Under legislative act from July 1—	Incumbent, March 4, 1890.	Annual salary.
Printing	1856	W. H. Michael	$2,220.00
Appropriations	1868	T. P. Cleaves	3,000.00
Do	1879	J. S. Morgan (assistant)	2,220.00
Finance	1856	B. Durfee	2,500.00
Claims	1857	H. C. Reed	2,220.00
Commerce	1874	W. Pulsifer	2,220.00
Do	1889	O. H. Cutler (assistant)	1,440.00
Judiciary	1875	Geo. P. Bradstreet	2,220.00
Private Land Claims	1876	T. R. Ransom	2,220.00
Pensions	1878	J. B. Potter	2,220.00
Do	1883	E. S. Goodrich (assistant)	1,440.00
Military Affairs	1879	W. P. Huxford	2,220.00
Post-Offices and Post Roads	1879	W. T. Ellsworth	2,220.00
District of Columbia	1880	F. J. Haig	2,220.00
Library	1880	A. W. Johnson	2,220.00
Census	1880	P. Pulsifer	2,220.00
Naval Affairs	1881	H. J. Gensler	2,220.00
Foreign Relations	1882	E. J. Babcock	2,220.00
Public Lands	1882	B. F. Flenniken	2,220.00
Contingent Expenses	1883	Eugene Davis	2,220.00
Indian Affairs	1884	W. M. Olin	2,220.00
Public Buildings and Grounds	1886	J. B. McCarthy	2,220.00
Agriculture and Forestry	1887	W. E. Annin	2,220.00
Education and Labor	1888	H. P. Blair	2,220.00
Rules	1888	W. H. Smith	2,220.00
Territories	1888	E. T. Lee	2,220.00
Interstate Commerce	1889	M. W. Blumenberg	2,220.00
Epidemic Diseases	1889	C. H. Harris	2,220.00

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 168.

IN THE SENATE OF THE UNITED STATES.

JUNE 18, 1890.—Presented by Mr. CARLISLE, referred to the Committee on Finance, and ordered to be printed.

MEMORIAL OF THE WOOL CONSUMERS' ASSOCIATION PRAYING FOR A REDUCTION OR ABOLITION OF THE DUTY ON WOOL.

THE WOOL CONSUMERS' ASSOCIATION,
NO. 66 STATE STREET, BOSTON,
Boston, June 14, 1890.

To the Senate and House of Representatives of the United States in Congress assembled:

For the protection of the woolen manufacture of the country, and for its rescue from a most hampered and depressed condition, we ask for a great reduction or the total abolition of the duty on wool.

The system of excluding wool by more or less prohibitory duties, involving still higher duties on woolens and worsteds, has been tried at great cost to the consumer, with destructive restriction to the manufacturer, and without any compensating advantages to the wool-grower. Under this system the wool-grower has utterly failed to supply the raw wool in adequate qualities or quantities, the high cost of foreign wools has forced the manufacturers to resort to shoddy, hair, and cotton to make so-called woolens of, and the importation of goods made by foreign manufacturers, who have the overwhelming advantage of free selection of free material, has been enormous.

A free selection from many varieties of wool is essential for the manufacture of the cloths required by the trade, and the exclusion of foreign wool so interferes with the necessary supply of raw material as to reduce rather than increase the quantity of American wool used.

The natural advantages of Australia and South America, for instance, in the production of wool are so great as to practically put wool in the class of things which can not be produced in this country under such conditions as to justify any duty for protective purposes. The interest of the consumers in this case should be controlling in putting wool on the free list, even more than in the case of tea or coffee or tropical fruits or any other article that can not be produced in the United States. Besides this the woolen manufacture cannot be successfully developed without the free selection of raw material, and the prosperity and activity of the home manufacture of woolens is the first and essential element in increasing the use and demand for American wool. The high duties on wool hamper the manufacturer and drive him to the use, not so much of American wool as of shoddy and cotton, and increase the cost of all woolen and worsted cloths, and thereby diminish consumption.

Referring more to the details, we may say that the wools coming under the third class, or carpet wools so-called, are almost entirely coarse wools

of very low foreign cost; that they can not be raised here at all; that they interfere with no native wools; that if wools are to be raised in the United States it is clearly more profitable to raise wools of higher value, and those which are produced in heavier fleeces, and that for the supply of combing wools for the better classes of carpets the manufacturers are entirely dependent on a foreign supply. In spite of a heavy duty on these wools for nearly twenty-five years there are none raised here, and there is no native industry to protect even in an infant state.

It has been conclusively shown by the statistics collected by the American Carpet-Association that nearly all of the third-class wools imported are needed by, and are used for, the carpet trade. The duty merely hampers the trade, increases needlessly the cost of carpets to the consumer by several millions of dollars annually, even under the existing rates, and under the largely increased rates proposed would have also a discriminating and disastrous effect on certain branches of the carpet trade, handicapping these branches against those which use largely the free raw materials of hair, cotton, and jute.

The duty on third class or carpet wools was put on avowedly for revenue purposes, and we contend that no good reason has been given why it should not be abolished. We beg to refer to the protest of the American Carpet Association of March 17, 1890, and to the additional protest of June 9, 1890, for a full statement of the case in detail.

The heavy specific duties on first and second class wools discriminate against the American manufacturer. Our laws practically forbid the American to compete with the foreigner in the purchase of certain essential descriptions of wool. Thus the heavy duties increase the cost of clothing and help the foreigner to send to this country vast quantities of woolen goods that, with free wool and moderate duties on the goods, might be manufactured at home.

The proposed advance on wools of the first and second classes directly affects two of the leading kinds of textiles, or woolens and worsteds for men's and women's wear. Fine combing or delaine wools are produced to a limited extent in the United States, chiefly in western Pennsylvania, Ohio, and Michigan. The strictly fine qualities are grown in but small quantities. One establishment in New England has at times consumed more of the finest grades than the whole quantity produced in the United States. A large proportion of all the fine combing wool has been and must be imported. The full supply is not grown here, and is not likely to be under any system, as the lands of the above named States are worth more for other products.

By reason of this scarcity of fine or merino-bred combing wools a large quantity of worsted fabrics, similar to our own, has been imported. Most of these goods are not better in quality than the domestic product, but the lack of raw material has compelled an importation which would have been anticipated and supplied by our own production had the wool been afforded as cheaply as the foreign manufacturer obtained it. The larger carding or wool interests, producing fabrics generally felted, consume the wools grown in the United States, both east and west of the Mississippi, in Texas and California. Nearly, but not quite, enough of medium and fine wool is grown in the United States to supply this demand. There is a gradually increasing deficiency in the finest grades. Our contention is that if the wools now imported in worsted fabrics, as above stated, could be obtained by our manufacturers free of duty they would displace the imported worsteds and afford so much more employment for our own labor.

Worsted is an expensive manufacture, directly and indirectly—indi-

rectly because a portion of the fleeces and assorted fibers are selected and rejected as too short to be placed in the combs. A further portion is thrown out by the machines in the form of noil, *i. e.*, the particular fibers too short for the polished, silk-like luster of the worsted. From 15 to 20 per cent. of the best wool is thus thrown off in noil. These rejected fleeces, sorts, and noils are well adapted for many fabrics which are carded, as are doeskins, cloths, beavers, flannels, cassimeres, hosiery, hats, and many kinds for women's wear. The felting qualities of these rejected worsted wools, and of the fine Montevideo wools from South America, are generally better than the felting qualities of our domestic kinds. Our wools are in general well adapted for warps; the above mentioned are better for weft or filling, since the felt or solid wearing characteristic of the fabric is thus gained in the cheapest and best way.

This new enlargement of one class of manufactures and the relative improvement of other classes by the advantage of freer selection and combination of different kinds of wool, would stimulate the woolen and worsted industry and all the kindred pursuits. The products would be cheapened by the better application, arrangement, and consumption of the values involved. A better value would be afforded at the same or a slightly lower price.

As all the wool grown in the world is now wanted the American grower could hardly be injured by the readjustment of values. If, at the worst, his product should fall slightly in price, he would be compensated soon by the larger and more certain demand from the stimulated and increased manufacture. The demand for mutton is rapidly increasing, and it is afforded in better quality by sheep which produce long wool than by the breeds producing short, fine wool. The half-breed mutton sheep's wool, in the warp, works admirably with the rejected worsted fibers and the Montevideo fleeces in the filling. Thus the mutton flocks would be stimulated through the importation of free raw materials. The American consumer of woolens and worsteds would get better fabrics at prices generally lower.

In view of all these considerations we respectfully ask that, in recommending amendments to the pending tariff bill, you will put wool and all raw materials on the free list.

The WOOL CONSUMERS' ASSOCIATION.
By the Executive Committee:
ARTHUR T. LYMAN, Lowell Manufacturing Company.
JESSE METCALF, Wanskuck Company.
WILLIAM B. WEEDEN, Weybosset Mills.
G. C. MOSES, Worumbo Manufacturing Company.
CHARLES M. BEACH, Broad Brook Company.
T. Q. BROWNE, Assabet Manufacturing Company.
HENRY C. WESTON, Weston, Whitman & Co.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 169.

IN THE SENATE OF THE UNITED STATES.

JUNE 18, 1890.—Ordered to be printed.

Mr. QUAY submitted the following

RESOLUTION:

Resolved, That the Sergeant-at-Arms be instructed to make no changes in his subordinates, appointees, or employés prior to 1st July proximo, without the consent of the Senate.

51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 170.

ANNUAL REPORT

OF THE

AMERICAN HISTORICAL ASSOCIATION

FOR

THE YEAR 1889.

JUNE 18, 1890.—Referred to the Committee on the Library and ordered to be printed.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1890.

LETTER OF SUBMITTAL.

SMITHSONIAN INSTITUTION,
Washington, D. C., June 16, 1890.

To the Congress of the United States:

In accordance with the act of incorporation of the American Historical Association, approved January 4, 1889, I have the honor to submit to Congress the annual report of said Association for the year 1889.

I have the honor to be, very respectfully, your obedient servant.

S. P. LANGLEY,
Secretary, Smithsonian Institution.

Hon. LEVI P. MORTON,
President of the Senate.

Hon. THOMAS B. REED,
Speaker of the House.

ACT OF INCORPORATION.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Andrew D. White, of Ithaca, in the State of New York; George Bancroft, of Washington, in the District of Columbia; Justin Winsor, of Cambridge, in the State of Massachusetts; William F. Poole, of Chicago, in the State of Illinois; Herbert B. Adams, of Baltimore, in the State of Maryland; Clarence W. Bowen, of Brooklyn, in the State of New York; their associates and successors, are hereby created in the District of Columbia a body corporate and politic, by the name of the American Historical Association, for the promotion of historical studies, the collection and preservation of historical manuscripts, and for kindred purposes in the interest of American history and of history in America. Said association is authorized to hold real and personal estate in the District of Columbia so far only as may be necessary to its lawful ends to an amount not exceeding five hundred thousand dollars, to adopt a constitution, and to make by-laws not inconsistent with law. Said association shall have its principal office at Washington, in the District of Columbia, and may hold its annual meetings in such places as the said incorporators shall determine. Said association shall report annually to the secretary of the Smithsonian Institution concerning its proceedings and the condition of historical study in America. Said secretary shall communicate to Congress the whole of such reports, or such portions thereof as he shall see fit. The regents of the Smithsonian Institution are authorized to permit said association to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum at their discretion, upon such conditions and under such rules as they shall prescribe.

[Approved, January 4, 1889.]

LETTER OF TRANSMITTAL.

AMERICAN HISTORICAL ASSOCIATION,
Baltimore, Md., June 13, 1890.

SIR: In compliance with the act of incorporation of the American Historical Association, approved January 4, 1889, which requires that "said Association shall report annually to the Secretary of the Smithsonian Institution, concerning its proceedings and the condition of historical study in America," I have the honor to transmit herewith my general report of the proceedings of the American Historical Association at the sixth annual meeting, held in Washington, D. C., December 28–31, 1889. In addition to this general summary of proceedings, I send also the inaugural address of President Charles Kendall Adams, on "Recent Historical Work in the Colleges and Universities of Europe and America," together with a paper on "The Spirit of Historical Research," by James Schouler, of Boston, the historian of the United States, and a monograph on "The Origin of the National Scientific and Educational Institutions of the United States," by Dr. G. Brown Goode, Assistant Secretary of the Smithsonian Institution, in charge of the U. S. National Museum, and a bibliography of the published works of members of the American Historical Association, prepared by Paul Leicester Ford, of Brooklyn, New York.

Very respectfully,

HERBERT B. ADAMS,
Secretary.

Prof. S. P. LANGLEY,
Secretary Smithsonian Institution, Washington, D. C.

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REPORT OF PROCEEDINGS AT SIXTH ANNUAL MEETING OF THE AMERICAN HISTORICAL ASSOCIATION.

By HERBERT B. ADAMS, Secretary.

The American Historical Association was organized at Saratoga in 1884, with only forty members, for the promotion of historical studies. In six years this society has grown, by a process of historical selection, to a membership of six hundred and twenty, with one hundred life members. At the sixth annual meeting, which was held in Washington, D. C., from the 28th to the 31st of December, 1889, there were present eighty-seven members, the largest attendance in the history of the Association.

The following is an alphabetical list of members present:

Charles Kendall Adams, president.
Herbert B. Adams, secretary.
Prof. H. C. Adams, Ann Arbor.
Dr. Cyrus Adler, of Baltimore.
Miss Maria Weed Alden, New York.
Dr. Charles M. Andrews, Bryn Mawr.
Dr. W. G Andrews, Guilford, Conn.
Dr. E. M. Avery, Cleveland.
Prof. Simeon E. Baldwin, New Haven.
Dr. Frederic Bancroft, librarian of the State Department.
Hon. George Bancroft, ex-president of the association.
General William Birney, Washington.
Prof. Edward S. Bourne, Adelbert College, Cleveland.
Henry E. Bourne, Norwich Academy.
Dr. Clarence W. Bowen, New York.
Dr. Jeffrey R. Brackett, Baltimore.
Prof. George L. Burr, Cornell University.
Prof. Howard W. Caldwell, University of Nebraska.
General Henry B. Carrington, of Boston.
Judge Mellen Chamberlain, of Boston.
Rev. Thomas S. Childs, D. D., Washington.
A. Howard Clark, U. S. National Museum.
Mendes Cohen, secretary of the Maryland Historical Society.
W. V. Cox, U. S. National Museum.
Maj. Gen. George W. Cullum, U. S. Army, New York.
Prof. R. H. Dabney, University of Virginia.
General Charles W. Darling, secretary of the Oneida Historical Society.
Llewellyn Deane, Washington.
Dr. William A. Dunning, Columbia College.
Paul Leicester Ford, Brooklyn.

Mrs. Olivia M. Ford, Washington.
Dr. E. M. Gallaudet, president National Deaf-Mute College.
Dr. G. Brown Goode, Assistant Secretary of the Smithsonian Institution.
A. A. Graham, State Historical Society, Columbus.
Judge Alexander B. Hagner, Washington.
Charles H. Haskins, Baltimore.
Prof. Paul Haupt, Baltimore.
General Joseph R. Hawley, United States Senate.
Col. John Hay, Washington.
Hon. William Wirt Henry, Richmond, vice-president of the Association.
Hon. George F. Hoar, United States Senate.
Prof. F. H. Hodder, Cornell University.
Roswell Randall Hoes, U. S. Navy.
Hon. John Jay, vice president of the Association.
Rear-Admiral Thornton A. Jenkins, U. S. Navy, Washington.
Miss Elizabeth Bryant Johnston, Washington.
Hon. Horatio King, Washington.
John A. King, president New York Historical Society.
Mrs. Martha J. Lamb, editor of Magazine of American History.
Edward G. Mason, president Chicago Historical Society.
Prof. O. T. Mason, U. S. National Museum.
John H. T. McPherson, Baltimore.
General R. D. Mussey, Washington.
Judge Charles A. Peabody, New York.
Prof. John Pollard, Richmond.
Dr. William F. Poole, librarian Newberry Library, Chicago.
Rev. J. E. Rankin, D.D., president Howard University.
James F. Rhodes, Cleveland.
Theodore Roosevelt, Civil Service Commission, Washington.
General Rufus Saxton, Washington.
Dr. Walter B. Scaife, Baltimore.
James Schouler, Boston.
Prof. Austin Scott, Rutgers College.
William Henry Smith, president Associated Press, New York.
Dr. Freeman Snow, Harvard University.
A. R. Spofford, Library of Congress.
Dr. Charles J. Stillé, Philadelphia.
Henry Stockbridge, Baltimore.
George H. Stone, Cleveland.
Henry Strong, Washington.
John Osborne Sumner, Harvard University.
Dr. Joseph Meredith Toner, Library of Congress.
Prof. William P. Trent, Univers of the South.
President Lyon G. Tyler, William and Mary College.
John Martin Vincent, Johns Hopkins University.
Mrs. Ellen Harden Walworth, Washington.
President Ethelbert D. Warfield, Miami University.
J. E. Watkins, U. S. National Museum.
William B. Weeden, president Historical Association, Brown University.
President James C. Welling, Columbian University.
Ex-president Andrew D. White, Cornell University.
W. W. Willoughby, Johns Hopkins University.
General James Grant Wilson, New York.
Prof. Thomas Wilson, U. S. National Museum.
Dr. Justin Winsor, librarian Harvard University.
James A. Woodburn, Johns Hopkins University.
General Marcus J. Wright, War Records Office, Washington.

The headquarters of the Association in Washington were at the Arlington Hotel. Three morning sessions, Saturday, Monday, and Tuesday, were held from 10.30 to 1 o'clock at the National Museum by permission of the Regents of the Smithsonian Institution, and three evening sessions on the same days from 8 to 10 p. m., in the large lecture hall of the Columbian University by invitation of President James C. Welling. Sunday and the afternoon hours were free for social purposes. On Monday, from 4 to 7 o'clock, a tea was given to the members of the Association and their friends by Mr. and Mrs. Horatio King, 707 H street, and on Tuesday afternoon, at the same hours, Mrs. Walworth extended to the Association a like courtesy at her new home, 1300 L street. By invitation of the board of managers our members enjoyed the privileges of the Cosmos Club during the four days' sojourn in Washington. Every evening after adjournment of the formal session of the Association at the Columbian University there was a social reunion at the Cosmos Club. On Monday afternoon and on Tuesday morning by invitation of the librarian, Dr. Bancroft, parties of historical students and specialists visited the State Department for an examination of the interesting archives there preserved.

The convention opened Saturday morning, December 28, in the large lecture hall of the National Museum. The walls were decorated with the Catlin collection of Indian portraits, with pictures of Pueblos and Cliff dwellers, and with the busts of American statesmen. The room was admirably suited to the purposes of the Association. The curators of the Museum had introduced a number of cases for the display of interesting historical relics, books, manuscripts, etc., which attracted great attention on the part of the members as they entered or left the hall. The first paper presented at the morning session was by Prof. George L. Burr, of Cornell University, who has in his immediate charge the excellent historical library of ex-President Andrew D. White. The subject of Mr. Burr's paper was "The Literature of Witchcraft," for the illustration of which ample materials had been found in Mr. White's library. The literature of witchcraft includes perhaps a thousand volumes. The earliest was written in the fifteenth century, and their authors were Dominicans of the Inquisition. They regarded the subject as an old one. Indeed, the Church had always fought against magic. She had taught that the gods of the

pagans were devils and those who worshipped them were sorcerers. The belief in Satan was developed by mediæval monks and the Church fathers, re-enforced by Byzantine speculation. Belief in the Devil's activity in this world was elaborated by scholasticism into a system, of which the whole literature of witchcraft is but a broken reflection. To detect and punish the servants of Satan was the work of the Inquisition and the persecutors of witchcraft in England and New England.

The second paper of Saturday morning's session was "A Catechism of Political Reaction," by ex-President Andrew D. White. In his preface to this paper Mr. White called attention to the fact that while studies of the French Revolution in Europe have been developed to an enormous extent there has been no corresponding treatment, indeed no adequate study of the reaction after the various revolutions. Mr. White's paper was a contribution to such a history. His essay was based upon a very rare and curious little book which he obtained at Sorrento three years ago. The book was a wonderfully well-argued and well-written catechism by the Archbishop of Sorrento, who was placed by the King of the Two Sicilies, about 1850, at the head of the department of public instruction at Naples, and also made the tutor of the young prince. It contains the most amazing declarations of war against modern civilization, and indeed against nearly everything moral, political, or social which the nineteeth century regards as a landmark of progress. It argues with wonderful force that the king is not bound by any oath that he may have sworn to maintain a constitution, and urges with extreme cleverness all the arguments in support of absolute government. Mr. White took up several chapters of this remarkable catechism and gave in detail the argument in each.

The third paper was by Herbert Elmer Mills, Instructor in History, Cornell University, on "The French Revolution in San Domingo." In 1789, San Domingo was by far the most important of the colonies of France. Commercially it was prosperous, but its population was divided into the Creole planters, the free "people of color," and the slaves, by far the most numerous class. Government was in the hands of the French minister of marine, and was administered by a governor and an intendant. The people had no political privileges, and this fact had long irritated the Creoles. At the first announcement of the approaching meeting of the States-General in

France, the people of San Domingo took measures to secure representation, hoping thereby to win for themselves the control of the island. Delegates were chosen, but a careful study shows that the assemblies which elected them were widely scattered and by no means represented the entire body of the planters. At first the representatives were given a seat, but not a voice among the Third Estate; but before the end of 1789 they had won recognition as entitled to six votes in the National Assembly. Meantime the free people of color in San Domingo had not been idle. Their representatives also appeared at the National Assembly and claimed seats. It has been assumed by historians that these representatives were actually elected in the island and sent to Paris, but the truth is that they were chosen merely by members of this caste who were residents of Paris. No place was granted them in the National Assembly. Of course neither emancipation nor representation of the servile class was thought of either by the whites or free people of color in San Domingo.

The last paper of the morning session was read by Clarence W. Bowen on a newly discovered manuscript called Reminiscences of the American War of Independence, by Ludwig Baron von Closen, Aid to Count de Rochambeau. This manuscript was found in the early part of the year 1889 among the archives of the Von Closen family in their castle in Bavaria. A translation was sent to Mr. Bowen, who read brief extracts. Ludwig Baron von Closen, the author, was born August 14, 1755, and in his early years entered the French military service. On the arrival of the French expedition in Newport, R. I., in 1780, he was made Aid to Count de Rochambeau, commander of the expedition. Previously he had been captain in the regiment Royal Deux Ponts. On returning to France in 1783, Von Closen received from Louis XVI. the Order of Legion of Honor, and the Order for Merit, and in 1792 was informed of his election, with the permission of the King of France, to the Order of the Cincinnati. He died in 1830. In his reminiscences he speaks of his visits to John Hancock of Massachusetts, Jonathan Trumbull of Connecticut, and Thomas Jefferson of Virginia. He conducted Washington from the Hudson River to Rochambeau at Newport. He reports the conferences between Washington, Rochambeau, La Fayette, and De Grasse near Yorktown. His visit to Mrs. Washington at Mount Vernon, a ball he gave at Baltimore, and visits to other

sections of the country are described by Von Closen in the most charming manner. His reminiscences are full of historical interest, and are an important addition to the literature of the French in America during the Revolutionary War.

The evening session on Saturday began promptly at 8 o'clock at the Columbian University, with the Hon. John Jay, of New York, presiding. In a brief but comprehensive sketch Mr. Jay reviewed the work of the morning session and then introduced President Adams, who delivered an interesting inaugural address upon The Recent Historical Work of the Universities. He said that the first distinct professorship of history was established at Harvard University in 1839, for Jared Sparks. At Yale, as at other American colleges, history was long taught by means of text-books without much real enthusiasm. A great advance was made when Andrew D. White, fresh from original studies in France and Germany, entered upon an historical professorship in 1857, at the University of Michigan. From that institution President White's influence was transmitted to Cornell University, which developed the first distinct professorship of American history. Senator Hoar, after President Adams's address, called attention to the fact that Jared Sparks's lectures at Harvard University were largely upon American subjects, and were at the same time original contributions to American history. Mr. Adams reviewed the progress of historical science in the various countries of Europe, including Great Britain, Holland, Belgium, Italy, Germany, and France. His conclusion was, that the best advantages for historical study are now to be found in the schools of Paris, and that before the achievements of European universities American scholars find more to encourage humility than pride. Remarks were made upon President Adams's paper by President White. Professor Austin Scott, of Rutgers College, justly called attention to the works of the smaller colleges in America, and to the services of the late Professor Allen, of the University of Wisconsin, who was one of the most critical scholars and ablest teachers of history in this country.

After the inaugural address, Mendes Cohen, corresponding secretary of the Maryland Historical Society, gave an interesting account of the discovery of the Calvert papers in England, and of their recent publication in Baltimore. He exhibited to the Association the first volume, which has just appeared from the press. Mr. Cohen's statement of the progress of an impor-

tant work undertaken by a State historical society perhaps foreshadows similar reports that may be presented at future meetings by delegates from the various historical societies of the United States and of Canada.

The Association re-assembled Monday morning, December 30, at half-past ten, in the National Museum, President Adams in the chair. The first paper was on "The Origin and Early History of our National Scientific Institutions," by Dr. G. Brown Goode, assistant secretary of the Smithsonian Institution. Dr. Goode reviewed the entire history of scientific and philosophical societies in this country, and gave special attention to the development of literary and scientific institutions in the city of Washington. He called attention to the fact that, as early as 1775, when Washington was in his camp at Cambridge, Major Blodgett said to him that a national university ought to be erected in which the youth of the whole country might receive instruction. Washington replied, "Young man, you are a prophet, inspired to speak what I am confident will one day be realized." Dr. Goode pointed out the various tendencies toward the development of a larger scientific and intellectual life in the Federal City. He traced the history of its various institutions of learning, including the Columbian University, the American Academy of Sciences, and the Smithsonian Institution, with which the American Historical Association was allied by Act of Congress approved January 4, 1889.

The next paper was on "The Development of International Law as to Newly Discovered Territory," by Dr. Walter B. Scaife, Reader on Historical Geography in the Johns Hopkins University. His paper opened with a brief sketch of the policy of the Roman See as the arbiter of Europe, from the eleventh to the fifteenth century. Dr. Scaife showed that the bulls of Alexander VI., dividing the non-Christian world between Spain and Portugal, were not manifestations of an unheard of presumption, but were the natural outgrowth of precedent conditions. But this authority was now rejected, and was replaced by the rule of force. Meantime, international law had started on its career to try to persuade men to be governed by reason rather than by force; and ever striving toward the ideal, but keeping the practical in mind, it advanced in the course of two centuries and a half to the formulation of rules of action, high in their aim and still practicable in their application. During this time the practice of nations was undergoing also modifica-

tions. Spain, finding the Pope's authority rejected by other powers, set up the right of possession by discovery; but in this England was at least her equal, inasmuch as her representative had seen the mainland of the Western Continent before any Spaniard. England advanced also this theory as long as it answered her purpose, then turned to another, viz., that actual occupation is necessary to effect a complete title. Finally, during the present decade, a union has been made of practice and theory in the formation of the Congo State; and rules have been formulated and adopted by the Great Powers for the future regulation of national action in the matter. The whole subject goes to show the value of forming correct scientific theories as to the affairs of men, even when apparently there is the least hope of their ever being realized; that they do have effect on the practices of mankind, and that a time will come when they will be recognized as the true standard of action.

An important contribution to *post bellum* historical literature was a paper on "The Impeachment and Trial of President Johnson," by Dr. William A. Dunning, of Columbia University, New York. The points which he considered were three: first, the causes contributing to the impeachment proceedings; second, the issues involved in the impeachment by the House; and third, the issue involved in the trial by the Senate. The causes which seem to have been peculiarly efficient were the personality of Johnson and his theory of reconstruction. There were three different attempts at impeachment in the House. It was the President's removal of Stanton in apparent defiance of the tenure of office act that precipitated the final impeachment. Before the Senate the most important question really answered was, whether the Senate could be viewed as a court proper or not. The radicals said no. The Senate's action, however, favored the contrary opinion. With this divided sentiment, conviction on any of the numerous charges was practically impossible. Article XI., involving the President's resistance to reconstruction, was most likely to prove successful, but failure to obtain a two-thirds vote on this matter was the knell of all impeachment proceedings. Dr. Dunning concluded that the framers of our Constitution built strongly in co-ordinating the various departments of our government. No circumstances more favorable to removing a President from office are likely to arise in the future, and the result of the

Johnson impeachment was a confirmation of the principle asserted by the fathers of the Republic.

The subject of the next paper was "The Trial and Execution of John Brown," by General Marcus J. Wright, of the War Records office, Washington, D. C. The paper was substantially an answer to Dr. H. von Holst's charges that John Brown did not receive a fair trial. General Wright reviewed the whole matter from notes and evidence taken at the time, and clearly established his thesis that every thing was done which the law required. The concluding paper of the morning session was "A Defense of Congressional Government," by Dr. Freeman Snow, of Harvard University. Dr. Snow said that Americans are now engaged in drawing comparisons between the English and the American Constitutions, and, like Mr. Bagehot, they find nearly all the advantages on the side of the English. The multitude, it is said, needs leadership. Hence, if we would save our society from disintegration, we must adopt the English system of responsible leadership. The error of this view, Mr. Snow contended, lies in looking too intently at the mere machinery of government, and not at society as a whole. The effect of obeying leaders is to take away from the masses the habit of thinking for themselves. If our government is at any time less efficient or less orderly, it is the safest in the long run, for it develops the capacity for self-government among the people. Dependence upon leaders, as in the English system, has the opposite effect. Too much is expected of popular government. We should not expect perfection from an imperfect people. If we want more efficient legislation, we must send men to Washington for just that purpose. The present condition of our politics is largely a legacy left us by the slavery struggle and the civil war. It is an abnormal condition of things and will pass away. It is even now on the wane.

The evening session of Monday was at the Columbian University, Judge Chamberlain presiding. The papers were devoted to New England and the West. This feature of grouping contributions by large subjects, such as European History, National History, the North, the West, the South, and Historical Science, was generally recognized as a great improvement in the arrangement of historical material. The first paper of the evening was on "The Economic and Social History of New England, 1620–1789," by William B. Weeden, of Providence.

New England communities were founded on freehold land tenure; on a *meeting*, the local and social expression of religious life and family culture; and on a representative, democratic gathering corresponding to the old folk-mote of the Germanic race. Economically New England settlers profited by trade with the Indians through wampum. These beads were both jewelry and currency. As currency they were redeemable in beaver. When immigration was checked in 1640, the colonists built ships and bartered their own products among themselves. Vessels were loaded with fish, and sailed for the West Indies or Europe. Returning they brought iron, cordage, and all the goods needed by the new settlements. In this commerce the Puritans prayed, labored, and traded. Stephen Winthrop wrote to his father, after having sold his wine, "Blessed be God, well sold!" Commerce and the fisheries were nourished by home products. The New England whale fishery began in boats from the shore, and finally extended into every sea. The slave-trade and the making of rum were important factors in the industrial life of the eighteenth century. Even the founder of Faneuil Hall helped forward this form of commercial intercourse. Economic history is the basis of political life. No grand theory of government caused our American colonies to form a republic. The economic resistance of strong citizens to stamp acts and other economic grievances won us our magnificent rights of freedom, as truly as the charters of mediæval cities were obtained by purchase.

Mr. William Henry Smith, president of the Associated Press, New York, then read a valuable paper on "The Correspondence of the Pelham Family, and the Loss of Oswego to the British." Mr. Smith said that the president of the Association one year ago forcibly presented the importance of governmental aid in the collection of historical records, and commended the example of Canada to the attention of our legislators. If that admirable address by Dr. Poole penetrated to the interior of the Capitol, it would seem to be confined to the subterranean vaults, or buried beneath innumerable applications for office. The patriotic work of the Dominion of Canada should claim the attention of our great Republic. Mr. Smith said he was disposed to favor an extension of the Canadian Government over the United States long enough to inspire our legislators with sufficient patriotism to secure the collection and preservation of historical manuscripts relating to America. He then proceeded to illustrate the value of the papers of the Pelham family which

are now accessible, and relate largely to American affairs. The entire collection comprises 522 volumes, 305 of which contain the official correspondence preserved by Thomas Pelham. It is arranged chronologically, from 1697–1768, and is especially rich in diplomatic papers relating to this country. Mr. Smith's paper will be published in full in the proceedings of the Association, and will doubtless be highly suggestive to students of American history.

The next paper was on "The Early History of the Ballot in Connecticut," by Prof. Simeon E. Baldwin, of the law department of Yale University. The paper was read in an impressive manner and held attention. The professor said that election by ballot first appears in American history as a constitutional provision, in the constitution of Connecticut of 1639. It was coupled with a system of prior official nominations; as regards the "magistrates," or those who came to form the upper house of the legislature. Twenty were annually nominated, of whom twelve only could be elected. The list was arranged by the legislature, on the basis of a previous popular vote, and the present incumbents were always put first, in the order of their official seniority. Only as these died, or refused a renomination, was there practically any chance for the election of any of the last eight. The first name on the official ticket was always voted on first, and so on; no one being allowed to vote for more than twelve. This gave great stability to legislation, and was what kept Connecticut so long subject to a Church establishment. When the power of the Federalists had declined everywhere else, it was as strong as ever in the upper house. The representatives elected semi-annually shared the feeling of the day; but the councillors, or "assistants," stood for that of ten or twenty years before. From 1783 to 1801, only one was dropped without his consent; and it took a struggle of seventeen years longer to give a majority to the "Tolerationists" and Jeffersonians. Congressmen were elected in a similar manner, and with similar results, down to 1818. The legislature published the nominations (twice as many as there were places to fill), and arranged them so that the first half—those already in office—were almost invariably re-elected, The Colonial charter of 1662 made no mention of the ballot, or of an official ticket, but both had become so firmly imbedded in use, that they were read into it, between the lines, and stood as fundamental institutions of the commonwealth for nearly two hundred years.

At the close of the evening session, Theodore Roosevelt, of the U. S. Civil-Service Commission, gave an *ex-tempore* address upon "Certain Phases of the Western Movement during the Revolutionary War." He deplored the ignorance of Western history shown by Eastern historians. He likened the ignorance to that of the English regarding American history in general. Those who find American or Western history uninteresting and unpicturesque have only themselves to blame; for the fault lies in the critics, and not in the subject-matter, which is as heroic and inspiring as any great chapter in the history of the world. Mr. Roosevelt said the great West was won in the midst of war and revolution. He gave a graphic picture of the westward movement of the pioneers and the conquest of the Western country from the French and Indians. The motives of the first settlers were adventure, better lands, and the improvement of material conditions in life. Daniel Boone and his followers were joined by various parties of hunters. The region of Kentucky, that old hunting-ground of Northern and Southern Indians, were successfully occupied, but only after Lord Dunmore's war. There was but one route to the West, and that lay through the Cumberland Gap, which the frontiersman had to protect. The conquest of the Illinois country was achieved by the expedition of George Rogers Clark and the Virginians. Few Revolutionary heroes deserve more credit than this bold and aggressive military leader, who conquered the West for the American Republic. Mr. Roosevelt described how government was organized in that Western country upon the basis of English institutions, with which the settlers were familiar. The reproduction of the old English military system and of representation based on military districts, with palisaded villages as the primary seats of self-government, is most curious and instructive. The county-type of organization was naturally copied by settlers who had come from Virginia and the South. The foundation of this great Federal Republic was laid by backwoodsmen, who conquered and held the land west of the Alleghanies, and thus prepared the way for the continental dominion of the English race in America. The westward movement of the early pioneers can be best understood in the light of the westward march of immigration in our own time.

A lively discussion followed Mr. Roosevelt's spirited presentation of his subject, and exceptions were taken to his statement that there were no permanent settlements beyond the

Alleghanies until after the Revolution. Dr. Toner, of the Congressional Library, made a plea for the early settlers of the Ohio Valley, and Dr. Stillé, of Philadelphia, and Dr. Poole, of Chicago, entered the lists in behalf of numerous local settlements beyond the mountains. Mr. Roosevelt defended his thesis as a general proposition, and Mr. Edward G. Mason, president of the Chicago Historical Society, sustained him.

Tuesday morning the convention met once more in the National Museum, with a large and enthusiastic audience, to listen to a series of papers upon Southern history. In place of Edward Eggleston's paper on "Bacon's Rebellion," which he was prevented from giving, General Henry B. Carrington, who had just returned from Montana, spoke of "The Concentration of the Flathead Indians upon the Jocko Reservation," as betokening a better future for a tribe which, since the expedition of Lewis and Clark in 1805, has been uniformly friendly with the whites. Chief Carlos and every member of the tribe had consented to the removal. Their lands in the Bitter Root Valley are to be sold for the benefit of the Indians to the highest bidder. General Carrington maintained that the history of this tribe shows that Christianity must precede civilization and is essential to Indian development.

"The Constitutional Aspects of Kentucky's Struggle for Autonomy, 1784–'92," by Ethelbert D. Warfield, president of Miami University, Oxford, Ohio, was the next theme of discussion. As early as 1776 Kentucky began to feel the necessity of self-government. In that year George Rogers Clark made the first demand for the separation of that region from Virginia. The mother colony allowed the institution of the county of Kentucky, which concession for the time allayed agitation. It broke out again in 1780, and soon became chronic. From the year 1784 to 1792, when Kentucky was admitted to the Union, no less than ten regular conventions were held and several irregular assemblies besides, in the interest of self-government for Kentucky. The history of the time is one of constant turmoil. Threats of violent separation, both from Virginia and the Union, were frequent; and yet not one action of an unconstitutional character stains the records of these various conventions. The conservative element was largely Scotch-Irish Presbyterian, and it held the balance of power, which was always exerted on the side of law and order. When the Constitution of the United States came before the

Virginia Convention, the district of Kentucky voted, eleven to three, against adoption. And yet when their own convention finally drew up a constitution, it leaned strongly toward the Federal instrument. Kentucky shares with Vermont the honor of first insisting on manhood suffrage. The period known as that of the Separatist Movements is one of singular self-restraint when viewed on the constitutional side.

The next paper was by President Lyon G. Tyler, of Williamsburgh, Va., who presented some historical facts from the records of William and Mary College, the oldest institution of higher education at the South. Mr. Tyler called attention to the fact that this venerable institution had lately been brought to life by an act of the Virginia General Assembly, which appropriates ten thousand a year to the support of the college. He traced the historic influence of the college upon the university idea in Virginia, and dwelt particularly upon the early elective system in vogue at Williamsburgh. He thought that this system was developed by Jefferson at the University of Virginia, and was not an importation from foreign universities. The first law-school in America was established at William and Mary. The professorship of George Wythe was the second law professorship in the English-speaking world. Mr. Tyler also maintained that the college exercised all the powers of a civil-service commission in appointing the county surveyors after examination. He described the early discipline of the college, and illustrated by extracts from the old treasury books the intimate relations between the college and the colony. As early as 1779, William and Mary College was doing its work by an advanced system of lectures on law, medicine, and natural science.

One of the most important papers presented at the convention was on "Materials for the Study of the Government of the Confederate States," by John Osborne Sumner, a graduate of Harvard University. The author said that historical attention had been directed almost exclusively toward the military operations of the Confederacy, but its constitutional and internal history were also of great interest. Much material for a study of the Confederate Government was destroyed during the war, and much that has been preserved is not yet accessible. We have, however, a full series of statutes, about one hundred and fifty executive messages, often accompanied by documents, and various reports of secretaries and bureaus.

There are also in print numerous congressional documents, ordinances, statutes, and governors' messages of the several States, together with the journals of their legislatures and conventions. The journals of the Confederate Congress are said to be still in existence, but their present place of deposit is not known. The Richmond newspapers contained full reports of public proceedings, but much business was transacted in secret, and is little known. The historical material actually existing is widely scattered among the public and private libraries of the country, and there is as yet no systematic bibliography of what has been published. The most important manuscript collection was that purchased by the United States Government and now preserved in the Treasury Department. It comprises a large portion of the correspondence of the Confederate Government with its agents abroad and at the North. Other Confederate documents are in the custody of the State Department, and there are several small collections in private hands. The publications of the War Records Office include Confederate documents; but the series thus far has been devoted to military history. The newspapers of the South in war time are a mine of history which has been but little exploited. Various magazines were published at the South, and two or three illustrated papers appeared at Richmond during the war, among them a *Southern Punch*. A noteworthy enterprise of the Confederate Government was the publication in London of *The Index*, a weekly review established for the cultivation of friendly relations between Europe and the South. Mr. Sumner suggested the organization of inquiry with regard to the existence of materials for Confederate history.

The Hon. William Wirt Henry, of Richmond, said that the library of the Southern Historical Society in his city was the chief Southern repository of collections relating to the civil war and the Confederate States. Dr. J. R. Brackett expressed the hope that Mr. Sumner would print, in connection with his paper, a full bibliography of the materials which he had discovered. Prof. William P. Trent, of the University of the South, then read some interesting "Notes on the Outlook for Historical Studies in the Southern States." He called attention to the collection of materials for Southern history now being made in New York City. He sketched the condition of the various State Historical Societies in the South, and regretted the great lack of public enthusiasm for historical work. He described

the existing historical collection at Richmond and other places, and gave some account of the leading publications and monographs now in preparation. Mr. Trent urged that Southern history should be more earnestly studied by scholars in all parts of the country, and recommended a report of historical progress from the State societies to the American Historical Association. Dr. Justin Winsor, Librarian of Harvard University, paid a merited tribute to the historical work of Mr. Hannis Taylor, of Mobile, Alabama, who, isolated from libraries and historical associations, had produced a valuable constitutional history of England. Dr. H. B. Adams emphasized Mr. Trent's idea of the importance of an annual report of the work done by State Historical Societies to the Secretary of the Smithsonian Institution through the medium of the American Historical Association.

The morning session was concluded by a brief and interesting paper on "The Relations of History to Ethnology," by Prof. O. T. Mason, of the National Museum. He showed that the student of human culture is constantly a debtor to the historian. To illustrate this idea he spoke of the myth of the armadillo. The existence of musical instruments bearing the same name among negroes on two continents can be explained historically. The student of ethnology spends quite as much time in libraries as in the field. He urged the Association to use its influence for the increase of the collections in the National Museum. He called attention to the motive which governs the operations of the ethnological department as entirely in harmony with the utterance of President Adams, that all things are now studied by the historic method. Professor Mason then explained the contents of the Museum cases, which had been wheeled into the audience room, to illustrate the nature of studies in the history of culture now in progress in Washington.

During the morning session the venerable historian, George Bancroft, now in his ninetieth year, entered the hall, and amid the applause of members of the Association was escorted to the platform, where for a few moments he occupied the president's chair after he had briefly addressed the Society over which he presided three years ago. The closing session of this, the most successful meeting of the American Historical Society, was devoted to historical science in general. A special report on the bibliography of members was made by

Paul Leicester Ford, the bibliographer of Franklin. A report was read by the secretary on "The Present Condition of Historical Studies in Canada," by George Stewart, jr., D. C. L., LL. D., president of the Literary and Historical Society of Quebec. Mr. James Schouler, of Boston, the distinguished author of the "History of the United States," read a philosophical paper upon "The Spirit of Research." He said research is a fitting word to apply to historical studies, for it implies that one is not content to skim over the surface of past events, but prefers to turn the soil for himself. (See page 43 of this volume.) Space will not permit even an abstract of Mr. Winsor's very suggestive account of "The Perils of Historical Study." The writer of the great "Narrative and Critical History of America" warned the Association that history must be continually rewritten, either from new developments or from new sources, which keep historical study fresh and perennial. Each generation must renew the discussion of historical events. Opinions change; and the history of opinion about facts is no small part of the history of those facts. Mr. Winsor's paper was discussed at some length by Judge Chamberlain, of Boston. The last paper of the session was by Worthington C. Ford, editor of the new edition of "Washington's Writings." Mr. Ford spoke of "The Government as a Guardian of American History." He condemned the past policy of the nation in allowing valuable historical papers to pass into private keeping rather than into our national archives. He criticised past and present methods of treating our State papers, and made a strong plea for a better system of government control in these matters.

Resolutions of thanks were passed by the Association for courtesies received from the regents of the Smithsonian Institution, the curators of the National Museum, the president of the Columbian University, the governors of the Cosmos Club, the Librarian of the State Department, Mr. and Mrs. Horatio King, and Mrs. Walworth, of Washington. A committee on the time and place of the next meeting reported through Dr. Poole in favor of Washington, and of meeting during the Christmas holidays, from the 28th to the 31st of December, 1890. In behalf of the committee on nominations, Judge Chamberlain recommended the following board of officers, which was unanimously elected: President, Hon. John Jay, New York City; first vice-president, Hon. William Wirt

Henry, Richmond, Va.; second vice-president, James B. Angell, LL. D., president University of Michigan; treasurer, Dr. Clarence W. Bowen, New York; secretary, Dr. H. B. Adams, Johns Hopkins University; assistant secretary and curator (a newly-created office), A. Howard Clark, curator of the historical collections of the National Museum. Two new members were added to the executive council, namely Dr. G. Brown Goode, Assistant Secretary of the Smithsonian Institution, in charge of the National Museum, and John George Bourinot, D. C. L., clerk of the Canadian House of Commons. The Executive Council already embraces the ex-presidents of the Association: Hon. Andrew D. White, LL. D., Hon. George Bancroft, LL. D., Justin Winsor, LL. D., William F. Poole, LL. D., and the following elected members: Prof. John W. Burgess, of Columbia College, and Prof. George P. Fisher, of Yale University. The treasurer's report, which was audited by Mr. John A. King and the Hon. John Jay, shows an increase of $1,116.62 since the last report, and total assets, including cash and investments, to the amount of $4,584.94. The Association has just completed the third volume of its published proceedings, of which there is a stock of handsomely bound volumes and some unbound reports in the hands of Messrs. G. P. Putnam's Sons, the New York publishers. This property of books and plates is in addition to the above assets of the Association.

The Regents of the Smithsonian Institution have passed the following resolution:

Resolved, That the American Historical Association be and hereby is permitted to deposit its collections, manuscripts, books, pamphlets, and other material for history, in the Smithsonian Institution or in the National Museum in accordance with the provisions of the act of incorporation; and that the conditions of said deposit shall be determined by the secretary, with the approval of the executive committee.

RECENT HISTORICAL WORK IN THE COLLEGES AND UNIVERSITIES OF EUROPE AND AMERICA.

Inaugural address of President CHARLES KENDALL ADAMS, LL. D. *

During the last few years we have heard much of the tendency to give to all great and profound studies the historical form. The contributions of Darwin to natural history are, in a certain large sense, the result of a study of the history of nature carried on in a scientific spirit. Studies in machinery, in philosophy, in politics, in electricity even, are everywhere inclining to take on the same historical methods. In all branches of study it is apparently coming more and more to be seen that one's chances of discovering important new truth are quite exactly in proportion to one's knowledge of the truth that has already been discovered. So far as I remember, it was the French historian Thiers that first pointed out the significance of the historical spirit of the nineteenth century as distinguished from the speculative spirit of the eighteenth. This difference, indicated nearly half a century ago, is now very generally recognized and understood.

There is another fact, however, that is not less worthy of attention. I refer to the extraordinary development of studies in history in the colleges and universities of the world during the last few years. This development has amounted to a veritable revolution. Every American at all familiar with college life in this country knows that great advances have here been made; but a very brief presentation will be enough to show, I think, that even greater progress has been made in many of the countries of the Old World.

* In the preparation of this address I have been placed under obligations by many persons for valuable information. I desire especially to express my thanks to Prof. H. B. Adams, of Johns Hopkins University, Prof. Paul Frédéricq, of the University of Liège, Prof. E. Levasseur, of Paris, Prof. Willard Fiske, and Professor Villari, of Florence.—C. K. A.

On this subject, as on many others, we are perhaps in some danger of confining our attention too closely to what is immediately about us. Our eyes are apt to rest with contentment on our material growth and our general financial prosperity; and while indulging in this contemplative satisfaction, it is quite possible that we shall fail to see the greater advances which, in certain directions, are being made in the Old World. It would probably be easy to show that notwithstanding all that spirit of enterprise of which we are justly proud as a national characteristic, there are many directions in which we have been far outstripped by what we have been accustomed to regard as the more sluggish peoples on the other side of the Atlantic. We are proud of the recent growth of some of our cities, as well as of some of our universities; but who can compare the municipal government of Berlin or Buda-Pest with that of New York or Chicago, or the educational enterprise of Paris or Strasburg or Zurich with that of the most vigorous of our own universities without a modest admission that, after all, we have vastly more to learn from them than they have to learn from us? And so perhaps it will be in regard to that branch of academic discipline which is of special interest to the American Historical Association. Be that as it may, I have thought that on this occasion it would not be inappropriate to call your attention to the great advances that have recently been made in the teaching of history in the colleges and universities of America and Europe.

In this presentation I shall purposely avoid limiting my inquiries to any specific number of years. The scope of the subject and the brevity of the hour compel me to deal sparingly with details and critical observations. My purpose will be satisfied if I succeed in pointing out the most important characteristics of this general advance. It will be convenient to look first at the teaching of history in the United States, and then at the teaching of history in Europe.

It was nearly two centuries after the founding of Harvard College before the study of history in that institution had any standing whatever. So far as we can judge from the meager information afforded, it was customary during the whole of that period to give an hour at 8 o'clock on Saturday morning to the hearing of compositions and declamations and to the reciting of history, ancient and modern. This bare statement is enough to show how impossible it was that the subject

should make any very considerable impression. It was not until 1839 that the study of history in any American college was first encouraged with the endowment of a special chair. To that chair, the McLean professorship of ancient and modern history at Harvard, Jared Sparks was called. At Baltimore, Professor Sparks had made the acquaintance of Marshall, Story, John Quincy Adams, and others, and was already known as a successful student and writer of American history. Mr. Sparks's work at Harvard, though not epoch making or even very progressive in its character, was an improvement on what had been done before. In 1840 he published his edition of Smith's lectures, and in the following year introduced the constitutional history of England. Though in that same year (1841) history and natural history were offered as elective studies, yet when Sparks became president of the college, in 1849, he attacked the elective system with so much vigor that no further advances could be made. This distinguished historian unquestionably gave an impulse to studies in American history, but he left the foundations and methods substantially as he had found them. Very few lectures on general history seem to have been given to relieve the aridity of Tytler, Keitley, and Schmidt, though some gain was experienced by the introduction of Sismondi and Smith. The small importance attached to this general work is shown in the fact that from 1853 to 1857 the entire field of history was intrusted to the instruction of a single tutor. Nor was there any very important change in method till after the accession of President Eliot in 1869. Up to 1870 Professor Torrey had for thirteen years done the entire work; but now it was a gain of great importance that ancient history was tranferred to Professor Gurney and mediæval and modern history to Prof. Henry Adams. This enlargement of the force not only enabled the professors to give fuller and better instruction, but, more important still, it made possible the introduction of new and improved methods. The work of Professor Adams was not distinguished by any innovating name; but the volume of essays on Anglo-Saxon law abundantly shows that the spirit of original investigation, not altogether unworthy of a German university, had at length taken root in American soil. And it is gratifying to note that the work so well begun in 1870 by Professor Adams has since that date been carried forward in a similar spirit. The historical staff now consists of seven professors and teachers. The number of

courses offered the past year was eighteen. There appears to be no very clearly defined seminary work, though connected with six of the courses opportunities are offered for something analogous to the methods of investigation that prevail in the seminaries of Germany and the *cours pratique* of France. It must be regarded as unfortunate that at Harvard, where so much excellent work appears to be done, no provision as yet has been made for the systematic publication of the results that are achieved. But it is no small triumph in behalf of historical studies, that within a single administration instruction in history has been brought at Harvard from its condition in 1869 to its condition at the present day.

Until within a very recent period the teaching of history at Yale was not very different from that which prevailed in the early days at Harvard. President Stiles taught a very little ecclesiastical history at the end of the last century, and Professor Kingsley imitated his modest example at the beginning of this. We find that in 1822, when the first course of studies was published, ancient history was taught in a way by means of the ancient historians, and by means of Adam's "Roman Antiquities" as a text-book. Tytler's "General History" was taught during one term of the junior year, and the first volume of Kent's "Commentaries" was this year introdnced for two terms to the senior class. This course appears to have had little modification till the accession of President Woolsey in 1847.

Nor was the change during Woolsey's administration a very radical one. The introduction of political philosophy, of political science, and of international law was undoubtedly a very considerable advance. But these were not wholly within the domain of history. Graduates of Yale, not yet quite venerable, remember with little satisfaction the course of history which consisted chiefly of lessons learned *verbatim et literatim* from the dry pages of Pütz and Arnold. It was, as Prof. Herbert B. Adams has said, in revolt against this juiceless and utterly disheartening method of instruction, that Prof. Andrew D. White determined to make such a fresh and original departure in 1857 at the University of Michigan.

To the theological students at Yale, Prof. George P. Fisher began in 1861 to give scholarly instruction in Church history, and for many years Dr. Leonard Bacon lectured to theological students on the history of the churches in America. But it was not until Prof. A. M. Wheeler entered upon the duties of his chair in 1868 that the entire energies of

one professor were required for the teaching of history, and it was not until nine years later that Professor Wheeler was relieved of the American history. Even after Professor Dexter began his work the courses appear to have been very largely confined to such text-books as Eliot's "United States," Lodge's "American Colonies," Johnston's "American Politics," and Von Holst's "Constitutional History." Since 1887 Professor Dexter's work of instruction has been taken by Prof. George B. Adams. Besides a class in Roman history, taught by a tutor in Latin, eight courses of instruction of one, two, or three hours a week during the year are given by Professors Wheeler and Adams, and a two-year course on the constitutional and financial history of the United States is given by Professor Sumner. By Mr. Raynolds, an instructor, a course in comparative constitutional history is also now given. Two of these are for graduate students, and are conducted, more or less rigorously, in a manner to teach methods of original research.

At Columbia College nothing of importance was done till the advent of Professor Lieber, in 1857, as professor of history and political science. And I know of nothing that more vividly shows the conception of what in those days a professor was expected to do, than the formal requirements of the trustees in regard to this professorship. By special vote of the board, the following subjects were assigned to the newly elected professor: modern history, political science, international law, civil law, and common law. It ought not, perhaps, to be regarded as very singular that after Dr. Lieber had staggered under this load from 1857 to 1865, President Barnard should report to the trustees as he did when he said: "It is quite doubtful whether modern history, in the proper sense of the word, ought to occupy any considerable space in the teaching of our colleges. The subject," continued he, "is so vast, and practically so exhaustless, that the little which can be taught in the few hours of class instruction amounts to but a small remove from absolute ignorance." As the result of this suggestion, a committee was appointed "to consider the propriety of abolishing the professorship of history," and, in accordance with their report, the duties of the professorship were added to those of the professor of philosophy and English literature. Professor Lieber was transferred to the School of Law. It was not until after ten years that this singularly

unhappy policy was abandoned. But in 1876 the call of Prof. John W. Burgess from Amherst College was to open a new era.

The School of Political Science was opened in 1880, under a plan of organization which gave assurance of good results; and yet, if one may be permitted with some hesitation to express such an opinion, it would seem that the productive efficiency of the school had been not a little hindered by the amount of class-room work exacted of the professors and students. It may well be doubted whether, during the two years immediately before the candidate comes up for Ph. D., more than ten, or, at most, twelve, hours a week can profitably be passed in the lecture-room. In spite of Euclid, it is sometimes true that a part is greater than the whole. The best of historical instruction is such work of investigation as can be carried on under judicious and inspiring guidance; but such investigation can not be profitably made when the time and energies of the students are exhausted in the lecture-room. In this connection, moreover, it should not be forgotten that the Columbia School of Political Science is essentially what its name implies. During the three years of its course, the amount of history that finds a place in the curriculum is not very large.

It has been already stated that in 1857 Prof. Andrew D. White carried to the University of Michigan an enthusiasm, born of a reactionary spirit against what may be called the Pütz and Arnold methods that then prevailed at Yale. Professor White also carried to his work the added enthusiasm of a student who had just returned from three years of study in the universities of France and Germany. This beginning of new methods at Michigan was eleven years before Professor Wheeler began his work at Yale, and thirteen years before the appointment of Prof. Henry Adams at Harvard. And the inestimable service of Professor White during his five years at Michigan was the fact that at that early day, years before a similar impulse had been felt any where else in the country, the study of history was lifted to the very summit of prominence and influence among the studies of the college course. No one who was not on the spot can adequately realize the glow of enthusiasm with which this reaction was welcomed by the students of the university.

The work abandoned by Professor White, practically in 1863 and formally in 1867, was carried on by myself, his

successor, until 1885. Perhaps the most notable fact during that period was the introduction of the historical seminary in 1869. Observation in the seminaries of Leipzig and Berlin had convinced me that even advanced under-graduates could use the methods of the German seminary with great profit. My expectations were more than realized. At a little later period, a working library of nearly three thousand volumes was given by a friend of the department, and these books were made constantly accessible to students in the commodious seminary rooms of the new library building. Unfortunately there has been no publication fund by means of which papers of value could be given to the public. But the monographs of Professors Knight and Salmon, published by this Association in its first volume, are evidence of the quality of the work done. During the year 1888,-'89, the number of half-year courses given by Professors Hudson and McLaughlin was eleven, the equivalent of five full-year courses of lectures and one half-year seminary course.

Cornell University was opened for students in 1868. Professor White, in coming from Michigan to the presidency, no doubt brought all his old fire of enthusiasm for historical teaching. But his interests now had to be divided and subdivided between the necessities of the various departments of the new university. The teaching of history, therefore, had to be very largely done by Professor Russell. This was continued till 1881, when Prof. Moses Coit Tyler was called to the first professorship of American history established in the country. Prof. Herbert Tuttle, engaged at first for a part of the year only, was in 1887 given a full chair of the history of political and municipal institutions and of international law. In 1888 Mr. George L. Burr, having previously acted as instructor, was placed as assistant professor in charge of the work in mediæval and modern history. Instruction in ancient history is given by Instructor Herbert E. Mills. During 1889-'90 eleven full-year courses are given, each extending throughout the year, besides a course in palæography given for one term by Professor Burr. Of these full-year courses, three are seminaries, devoted to methods of original research.

Johns Hopkins University, devoted as it has been from the first very largely to graduate work, has offered unusual facilities for advanced instruction. Studies in history early assumed

prominence. The plan of dividing the library into departmental sections and transferring the sections to the several departments, with some drawbacks, offered the unquestionable advantage of bringing the students into immediate daily contact with the great mass of literature with which they would have to deal. The graduate students of Johns Hopkins, therefore, are put into a kind of laboratory or workshop with all the working tools of the university immediately about them. And this may be said to be one of the two most prominent characteristics of the place. The other is the admirably developed system by means of which the world gets the benefit of whatever good thing is done. The staff of instruction is not large, four men doing both the graduate and under-graduate work. And yet so completely are the resources of the university at the service of the student, and so confident is the student that whatever good piece of work he may produce he will be able to place before the world in a manner to attract the attention it deserves, that the department of history, in spite of all rumored pecuniary distresses, has steadily grown until during the present year there are forty graduate students in history working with a view to the doctor's degree.

I have thus passed rapidly over the advances of historical studies in those American institutions of university grade where the largest amount of work has been done. It would be an act of great injustice not to say that in many of the other colleges and universities of the land important advances have also been made. In several of them work of great excellence is done. It is but just to say that the methods employed in the great mass of these institutions are very different from those in vogue twenty-five years ago. In several of them there are now professors of history who received their training in the best methods of the Old World. If the results of their instruction are not all that could be desired, the fault is in the plan of organization rather than in the methods of instruction.

That this brief review gives evidence of very considerable advancement can not be denied. We shall see, however, before the end of our survey, that when we compare ourselves with others, we have no occasion for historical vanity. But I can not turn from this part of my subject without indicating my judgment that the most important need of advanced historical instruction in this country at the present time is in each great educational center such a publication fund as will enable the

university to give to the world in academic form the results of thorough and advanced research. This is no doubt true in other fields as well as in history. But the technical journals afford an opportunity for the fruits of technical research, such as are not afforded to the historical student. The wisdom of such provisions at Johns Hopkins University has shown itself in growing measure with every advancing year. The proper methods of study are already flourishing with us, and the fruits of these labors, were the opportunity offered, would be forthcoming in measure to do credit to American scholarship.

Turning from America to Great Britain, we find in several of the universities almost absolutely no recognition of historical studies. History is still practically excluded from all the Scottish universities. At Aberdeen and St. Andrews it has not the slightest notice, and even at Edinburgh there is only a single course on constitutional history for students of law.

In England, however, great activity has recently come to be shown at the two great universities at Oxford and Cambridge. This activity is of surprisingly recent growth. With a view to educating public officials and diplomatists, a regius professorship was established at Cambridge by George I. with something of that scholastic liberality which was shown by the Georges in giving the great collection of historical books to the university library at Göttingen. The regius professorship of history at Cambridge, however, was practically a sinecure. Perhaps the most distinguished occupant of the chair during the first hundred years was the poet Gray. It was not till as late as 1869, when the position was taken by Prof. J. R. Seeley, that it became really important and began to exert an influence. But under the inspiration of this eminent writer and teacher, history forced itself into formal recognition as a discipline worthy of a place by the side of the classics and the mathematics.

After due consideration, a separate tripos was established for modern history. As in the triposes of the classics and the mathematics, three years are given to the course. In four of the seventeen colleges preparation was at once made for giving special lectures to prepare students for the university examinations. Such lectures are now given by Mr. Hammond at Trinity, Mr. Oscar Browning, and Mr. Prothero at Kings, Mr. Thornley at Trinity Hall, and Mr. Tanner at St. John's.

To an American student unaccustomed to English ways, such a bare statement of facts conveys little impression. But to understand the full significance of these lectureships, two or three conditions must be borne in mind. The English college is scarcely more than a place of residence, each student procuring such instruction as he may desire, and in any manner he may choose. At the end of the necessary period the examinations are conducted not by the colleges, but by the university. The student, therefore, is practically at entire liberty to pursue his studies in private. He may hear lectures regularly, or he may prepare himself for the examinations with the help of a private coach. What we understand as the work of instruction, therefore, plays a far less prominent part in the English universities than in our own. The work of examinations plays a far greater part. The requirements for final examinations are planned and carried out with a rigor that I suppose is absolutely unknown in any other country.

The subjects on which the examinations for a degree are to be held, though varied to meet the wants of individual classes of students, are still somewhat limited in scope. The following are stated as the general requirements: English history, including that of Scotland, Ireland, and the colonies and dependencies; certain indicated parts of ancient, mediæval, and modern history; the principles of political economy and the theory of law; English constitutional law and English constitutional history; public international law, in connection with detailed study of certain celebrated treaties; and, finally, a thesis written on some one of ten proposed subjects.

During the three years, special efforts are made to accomplish two results. These are: first, to secure a knowledge of a great body of accepted facts and truths; and, secondly, by earnest personal thought to acquire the habit of what may be called an historical judgment as to the real significance of facts and events. Toward these two ends all of the very inspiring lectures of Professor Seeley seem to be directed. The lectures of the tutors appear also to have the same end in view. Accordingly, the examination papers are invariably directed very largely to the work of testing the thinking powers of the student. That the test is one of great severity may be known by a single glance at one of the examination papers. The final trial continues for five days, six hours a day, three hours

in the forenoon and three in the afternoon. There are thus ten papers in ten successive half-days.*

The recent outcry in England against this system of examinations (which is carried into other subjects as well as into history) can hardly be considered as surprising. It may well be questioned whether an examination of this kind, put at the end of a three years' course of study, is not adapted on the one

* The following is inserted as a specimen of the examination papers set before candidates for the degree of A. B. in the history tripos:

1. "It is a fact that some men are free and others slaves; the slavery of the latter is useful and just" (Aristotle: "Politics," I., 15). "We hold this truth as self-evident: that all men are created equal" (Declaration of Independence of the United States). What arguments can you bring to support these two assertions? Show to what extent it is possible to reconcile them.

2. Show briefly the necessity and the nature of the reforms instituted by Justinian in his legislation.

3. The epoch of heroic kings is followed by the epoch of aristocracies (Maine). Prove this statement from Roman history and from the history of a nation of the west or north, showing the part played by these aristocracies in the development of laws.

4. Guizot considered feudalism a species of federal government; weigh the arguments in favor of this view, and compare feudalism with other ancient and modern confederations.

5. Consider the causes of the universal growth of towns during the twelfth century, and determine to what extent the revival of Roman institutions can be seen therein.

6. According to the principles of Austin, what are the limits of rights of subjects against their sovereign and of the sovereign against his subjects? Discuss the application of these principles to the struggles of James I. against Parliament.

7. Show that the following laws are not laws in the true sense of the word: Lynch law, canonical law, the law of cricket, and the law of supply and demand.

8. Show how the penal code has been from time to time adapted to occasion, and give examples borrowed from the history of the law of treason.

9. Show, with examples from history, what influence public opinion can have on government in countries that have neither democratic nor representative institutions.

10. Distinguish, by the aid of ancient and modern authors, between the different methods that can be applied to the study of politics, and compare their advantages.

11. What is the meaning of the terms "national will" and "national conscience," as differing from the wishes and opinions of the citizens? Show the importance of these terms in view of the development and rank of states.

12. Weigh the advantages and disadvantages of the different modes of electing executive power in democratic states.

hand to encourage, or at least to permit and condone, idleness during the first years of the course, and to break the health and the spirit of the student at the end.

It is noteworthy, also, that the tripos makes no provisions for what may be called original work. There is no seminary work to be compared with that done in Germany and France, even if there is any that will compare favorably with the best in the United States. But, on the other hand, it may fairly be doubted whether there is anywhere else in the world a system that secures so general a knowledge of what may be called the great body of the accepted facts of history, and so discriminating a judgment concerning their bearing and their significance. The mere list of standard authors, of which an historical student of Cambridge or Oxford is expected to become complete master, is vastly greater than the number required of students either in America or in continental Europe.

At Oxford the methods are not essentially different from those at Cambridge. The tripos in modern history was here established in 1870, five years before that provided for on the Cam. It has perhaps been even more successful. While at Cambridge there is now but one professor and five lecturers, at Oxford there are two professors and thirteen lecturers, and a programme of courses that reminds one of the array offered at one of the great universities in Germany. It is certain, however, that the instruction is more elementary in character. There are, moreover, no courses that as yet correspond in any very exact way with the German organizations for conducting original research, and the training of men in the art of historical investigation. But, when all such deductions are made, it can not be considered as less than remarkable that in the old university of Oxford, where, before 1870, there was no organized course of history whatever, the study has met with such favor that a staff of no less than fifteen professors and tutors is required to give the necessary instruction.

The subject ought not to be dismissed without the remark that within three or four years something akin to the German seminary has begun to secure a foothold. It is interesting also to note that this movement was the result of the efforts of an American student, the lamented Mr. Brearley, who went from one of the German universities to complete his studies at Oxford. But, as studies so conducted can not well be made subsidiary to the examinations, it is doubtful whether any very

considerable success is to be expected till the system of examinations is modified. It is chiefly for this reason that the experiment is likely to confine itself very largely to the holders of fellowships.

On turning to the continent of Europe one is embarrassed with the vastness of the subject, and the number of details that present themselves for consideration. It must suffice to give the briefest possible account of what is done in some of the smaller nationalities, and then a slightly fuller survey of recent advances in Germany and France.

At Leyden, Groningen, and Utrecht, the three state universities of Holland, the law requires that three branches of history shall be taught, namely: general history, national history, and ancient history, the latter including especially the history and antiquities of the Jews, Greeks, and Romans. Although Leyden and Groningen have each two professors of history, and Utrecht one, still the work is carried on at great disadvantage, and is only elementary in character. At Amsterdam, which is not a state but a communal university, neither the arrangement nor the work is much better.

The peculiar organization of the Dutch universities has been unfavorable to historical progress. In these institutions five degrees of the rank of the doctorate are given, each one for a somewhat narrowly restricted course of study. These are: doctor of philosophy, doctor of classical literature, doctor of Netherlandish literature, doctor of German philology, and doctor of Semitic literature. In 1876 the universities unanimously asked for the establishment of the degree of doctor of historical literature. The request was denied; and this denial has generally been regarded as fatal to the advancement, in any large sense, of historical studies. In the state universities, therefore, history has a secondary place; and there is said to be no fit teaching, even for the training of teachers of history in the secondary schools. To this general weakness there is at Amsterdam one conspicuous exception. While here, as at the other universities, very little is done in the faculty of letters, in the faculty of theology a more generous course is provided for. Professor Moll has established what may, with some propriety, be called an historical school. The work is chiefly conducted as a seminary for the study of the ecclesiastical history of Holland. It is now undertaking to explore the religious life of Holland, from the advent of Christianity to the

present day. Excellent work is done, and good historical scholars have been trained. Unfortunately for the teaching of history, however, the pupils trained in this school are, for the most part, destined for the pulpit instead of the teacher's profession.

In Belgium somewhat more has been accomplished. Though the state has given little encouragement to the work, the universities have been fortunate in having a number of professors who, in spite of obstacles, were wise and zealous enough to organize and achieve considerable success. The universities of Belgium are four in number, two of them being state institutions, and two founded and supported by private enterprise. The state universities, those at Liège and Ghent, as well as the private institutions of the same general grade at Brussels and Louvain, have excluded all advanced studies in history from the courses leading to the doctorate. But, notwithstanding this fact, much has been done by the enterprise of some of the professors. Professor Borgnet, at Liège, was the pilot of this new work, though he was not able to conduct it very far. It was in 1852 that the normal school was detached from the university, or at least was made distinct from it, and was given an independent course, extending over three years. In the third of these years, a *cours pratique*, a kind of incipient seminary, was established. But secondary sources of information appear to have been the only ones much used. On the retirement of Professor Borgnet, in 1872, Professor Kurth undertook, with considerable success, to place the *cours pratique* on a footing more nearly analogous to that of the German seminary; and this was done amid great discouragements in the faculty of letters of the university itself. Professor Kurth had visited Leipzig, Berlin, and Bonn, in 1874, and had carefully observed German seminary methods. The result was a most creditable historical enterprise. In addition to his lectures, he organized a seminary, which consisted properly of a two years' course, involving a section of juniors and a section of seniors. The classes were small, but the work done appears to have been, if not of the highest order of excellence, at least of entire respectability as original investigation. The scope of the work was confined chiefly to a study of the middle ages, including the study of palæography and the use of such manuscripts as existed in the university library.

But the importance of Professor Kurth's work showed

itself quite as much in its influence upon others as in the positive results his pupils achieved. In 1877–'78 Professor Vanderkindere at Brussels organized a seminary on the German plan, and in 1879 a similar course was offered by Professor Philippson in the same university. This officer had already had important experience as professor at the university of Bonn, and his work at Brussels appears to have shown a high order of excellence from the very beginning. The first volume of the fruits of these studies in the seminaries of Vanderkindere and Philippson bears the imprint of 1889.

In 1880 Prof. Paul Frédéricq began his work at Liège, where he remained till 1884, when his activities were transferred to Ghent. In both of these universities his seminaries have been conducted quite in accordance with the best methods of France and Germany. The *Corpus Inquisitionis* issued in 1889, a volume of more than six hundred pages, royal octavo, is the published fruit of the profound investigations of his class in the history of the Inquisition in the Low Countries.

It is unnecessary to go into detail in regard to history in the Belgian universities, further than to say that in spite of all governmental discouragements progress has steadily been made. During the present year the seminaries for advanced historical work in Belgium are no less than nine in number—one at Louvain, two each at Brussels and Liège, and four at Ghent. In closing what I have to say in regard to Belgium, I take the liberty of quoting from a letter recently received from Professor Frédéricq, in which he says: "En dehors de l'Allemagne et de la France, il me semble incontestable que les nouvelles méthodes historiques ont fait le plus de progrès en Belgique."

It would probably be quite within bounds to say that no other country in the civilized world has made such remarkable advances in intellectual activity within the last twenty years as those which have been made in Italy. The unification of the state gave a great impulse to education in all its grades, as to everything else in the way of national progress. Exactly contemporaneous with the unification and the transfer of the seat of government from Florence to Rome, was the establishment of the "*Istituto degli Studi Superiori*," a kind of higher university for the training of university professors, analogous to the *École normale supérieure* of Paris. The eminent historian Villari was placed at the head of this new institute, and, taking graduates of the universities only as pupils,

it began at once to make its power felt in the teaching of history, perhaps even more than in any other way. Requisite brevity will compel me to do nothing more than simply to point out a few of the different ways in which historical work in the universities of Italy has recently been advanced.

(1) Through the very extensive new excavations and explorations carried on in all parts of Italy, and conducted with far greater care and with far more scientific knowledge than ever before. This work has been inspired, and to a very large extent even organized, by Comparetti, the founder and editor of the new Italian journal devoted to epigraphy, himself probably the first of epigraphists, not even excepting Mommsen. Lanciani at Rome and other explorers of kindred spirit at Pompeii and elsewhere are giving us ancient history in the light of recent and important discoveries.

(2) The substitution in the universities of the modern scientific for the old rhetorical methods of instruction. The changes include the introduction of the German seminary; in all but its name. Candidates for degrees are now required to write and defend not simply a thesis, but a memoir of scientific importance, involving the results of investigations in original sources. Among the professors who have done most to encourage work of this kind may be mentioned Villari of the Institute at Florence, De Leva of Padua, Cipolla of Turin, De Blasiis of Naples, and Falletti of Palermo.

(3) The study of the history of the romance languages. This work, carried on as it is in a truly scientific spirit, has already thrown much light on some obscure and difficult questions in the history of the middle ages. The first great inspirer of this new activity was Professor Caix, who, one of the first great products of the Institute, died at an early age, greatly lamented. But the work has been carried on by others, among whom the most conspicuous are perhaps Pio Rajna of the Institute, Ascoli of Milan, Rénier of Turin, D'Ovidio of Naples, and Monaci of Rome.

(4) The study of Italian literary history. This branch of the work is not indeed so new as the others, but it is carried on in a new spirit and is achieving new results. The names most worthy of mention are Graf of Turin, D'Ancona of Pisa, Zumbini of Naples, Carducci (the greatest of living Italian poets) at Bologna, and Bartoli of the Institute, the author of the best history of Italian literature.

(5) And, finally, the scientific study of the laws and institution of the middle ages. Devoted especially to this great work are: Schupfer of Rome, Del Vecchio of the Institute, Del Giudice of Pavia, Brondileone of Palermo, and Gaudenzi of Bologna.

This great recent work in Italy ought not to be dismissed without at least calling attention incidentally to the fact that no other nation has such immense archives, and that these are now rapidly becoming accessible to all historical research. Those of Venice and Florence have long been known to be extraordinary; but every province now seems to have its historical commission, and these are now pouring forth from the press a flood of documents of no small importance.

In turning from Italy to Germany we come upon ground that is more familiar to American scholars. But even at this great resort of American aspiration and ambition we should be able, if there were time, to discover many things that would be of interest and of profit.

The modern scientific study of history everywhere has a tap-root running down into philology. It was F. A. Wolf who, at Halle, in the last century, established the philological seminary. He is, I suppose, entitled to the credit of forming the conception of bringing his advanced pupils together for an informal discussion of their work, in order that he might point out to them, in the familiarity of friendly intercourse, the best methods of conducting philological research. To this new method of instruction, the word seminar, or to use the Latin form, *seminarium*, was given. It was the idea of Wolf that Ranke adopted, when in 1830 he called together a few of his most advanced pupils for the prosecution of historical instruction in a similar spirit. To the teaching of history, the event was the beginning of a new epoch. About the great master were gathered such men as Sybel, Droysen, Haüsser, Giesebrecht, Duncker, Ad. Schmidt, Wattenbach, and others, all of whose names have since become associated with works of the very first importance. And from that day till more than fifty years later, when the scepter fell from the dead hand of the great master, Germany could scarcely count a single historical teacher or even scholar of importance that had not been at least one semester under Ranke. It would be interesting to trace and to attempt to measure the influence and the power of this instruction on the development of the nation. How many thousands

of Germans now in places of official responsibility have had their ideas shaped by the instruction thus provided!

Perhaps I may be pardoned for relating an incident that occurred one day in the winter of 1868, at the close of an exercise in Droysen's seminary. The master said to me, as we were standing together on the steps of his house: "Three of us, as we left Ranke's seminary, had been impressed with the idea that public opinion was going all wrong on the subject of the nature and the influence of the French Revolution, and we determined to do what we could to change that opinion and set it right. The fruit of this purpose," continued he, "has been Haüsser's 'History of Germany from the Death of Frederick the Great to the Congress of Vienna,' Sybel's 'History of the French Revolution,' and my own 'History of Prussian Politics.'" In connection with this striking saying of Droysen, it is interesting to note that this fundamental idea which was henceforth to permeate the instruction of these three great teachers has continued to be dominant in the leading chairs of historical instruction in Germany down to the present day. The ideas of v. Treitschke are sufficiently well known from his books. Those of Maurenbrecher were clearly enunciated in his inaugural address, in which he set forth the position that all true development in politics and national life must be an outgrowth of the past, must be strictly historical in its essential character; and consequently that revolution, which is a breaking away from the past, is unhistorical and never justifiable.* This statement in its completeness, however large a grain of truth it may have, seems about as defensible as would be the assertion that surgery is a direct and abnormal interference with the natural laws of physical development, and therefore is never to be resorted to. But no one can deny that such instruction has exerted prodigious power on the development of Germany and the formation of public opinion.

The seminary instituted by Ranke was the parent of a numerous progeny. Seminaries sprung up in all the universities, but for a little more than twenty-five years they were left

* Maurenbrecher's words were: "Nur aus dem Boden der Geschichte erwächst die wahre Lebenskraft des Staatsmannes. Nur diejenige Politik kann eine gute genannt werden, welche die historische Entwickelung einer bestimmten Nation fortzusetzen, an die historisch erwachsenen Elemente weiter anzuknüpfen sich entschliesst. Der Bruch mit der geschichtlichen Tradition eines Volkes, das eben ist die Revolution; Gutes kann aus der Revolution niemals erwachsen."—Maurenbrecher's "Antrittsrede," 1884, S. 16.

to individual support. It was to v. Sybel, at Munich, that the credit belonged of persuading the Bavarian government to give to the seminary an independent subsidy. The same method of support was transferred to Bonn by v. Sybel in 1861. The next step was by v. Noorden, who successively at Greifswald, Tübingen, Bonn, and Leipzig, showed such remarkable power as a teacher that he was able to induce the government in 1877 to set up the great seminary at Leipzig, and still further to enlarge and endow it in 1880.

As a means of showing the methods of seminary work, a few words in regard to the seminary rooms at Leipzig may not be out of place. They are five in number, grouped closely together, and filled with such books as are likely to be needed in the investigations. One of the rooms is devoted to ancient history, one to mediæval and modern history, one to a general library, one to an office, and one to a general working room. The rooms are all open from 9 a. m. to 10 p. m. The government subsidy and the special fees of students yield an annual income for the library of about $500. At the first meeting of all the sections of the seminary last year, fifty-six students were reported as present. They received a preliminary lecture on methods of work by Professor Maurenbrecher, who took as his text the instructions of Niebuhr: "Whatever you study, follow up your subject till no man on God's earth knows more about it than you do."

It ought, perhaps, to be added, that the State seminaries were severely attacked by Waitz in his remarkable address at the fifty years' jubilee in celebration of Ranke's inauguration. He said it was time to be severe, for subsidized seminaries tended to popularize the work, and he believed that mediocrity should be excluded from training for historical teachers. To which we are inclined to exclaim: Happy is that country, and that condition of education, in which too many are inclined to take instruction of the grade offered by the German seminaries! The system in its present form undoubtedly is not without its critics; but, after all due allowances are made, it would certainly not be too much to say, that at the present day there is no thoroughly good teaching of history anywhere in the world that is not founded on that careful, exact, and minute examination of sources which was originally instituted, and has ever since been encouraged, by the German seminary system.

It must suffice to add that in the German universities the number of courses of historical lectures varies from ten to twenty-five each semester, and that in each institution the number of seminaries varies from three to seven. For the work of preparation for a career as an historical teacher even in one of the secondary schools, not less than three or four years of successful study in the university is requisite. As there is more historical instruction in the German gymnasium than in our ordinary collegiate course, the training thus acquired at the university is more than equivalent to three years of graduate work in the American sense of the term.

It has not been without purpose that the subject of recent historical work in France has been reserved for the last of what I fear has been a very tedious review. For it is in France, as it seems to me, that greater progress has been made recently in historical work than in any other nation. I refer not simply to the number of courses given, though in this regard the number offered annually at Paris is about twice the number offered at Berlin. I have in mind rather the organization and methods of instruction in the great schools for the training of historical writers and teachers. That they are superior to any thing now existing even in Germany, I think even a brief examination will be enough to show.

The first of the Parisian schools entitled to mention is the *École des Chartres*. In 1807 Napoleon dictated a note embodying his idea of a national school of history. But the project did not take form till 1821, and had but a feeble existence before 1847. After that time, however, it assumed increasing importance under the brilliant direction and service of M. Jules Quicherat, who continued to give it the inspiration of his ability till his death in 1882.

The purpose of the school was to train young scholars of exceptional promise in the sources of French history, and in the proper methods of using these sources. Epigraphy, palæography, archæology, the Romance languages, bibliography, the French archives, the classification of libraries, the history of political institutions, the history of administrative, judicial, civil, and canonical administration, these are the subjects to which attention is especially devoted. The mere list is enough to show that the object is not so much to teach history as to supplement the historical instruction that the stu-

dents may have elsewhere enjoyed. The object of the school is not only to make known the riches of the French archives, but also to give the greatest possible facility in the best methods of using them. Pupils, to be admitted, must be at least twenty-five years of age, must have taken the baccalaureate degree, and must have already devoted themselves for years to historical work. But twenty students a year are admitted, the course extending over three years. By such men as Quicherat, Himly, Paul Meyer, Léon Gautier, and others, a very large number of the professors in the *Collège de France* and in the other schools have received a most excellent training. The testimony is uniform that the instruction in the *École des Chartres* is most thoroughly scientific and complete. So far as I am aware, Germany possesses nothing analogous to it, unless an exception be made of the new school in Austria, and that was avowedly modeled after the French prototype and put under the direction of Théodore Sickel, a pupil trained in the French school.

The second of the great Parisian schools to be mentioned is the *École normale supérieure.* This celebrated school was founded as a kind of higher university for the special and final training of university graduates desiring to become university professors. Founded at the beginning of the century, it was improved by Cousin in 1830, and still further by Cousin's successors after the events of 1848. Under the guidance of Bersot, and still later under that of Fustel de Coulanges, work of the first importance has been accomplished. The quality of students may be inferred from the fact that the applicants must all have taken the bachelor's degree, that the number annually applying for admission is about two hundred, from whom often not more than the best twenty-five are selected. The maximum number in all the classes is one hundred and thirty-five. These, like our students at West Point, are for the most part supported by the government and are held to rigid requirements. Housed in dormitories, the students are bound by rules which condescend to such details as to require that no one shall leave the yard except "at certain hours on Sunday and Tuesday," and "once a month till midnight." Half the students are trained in science, and half in letters. Of the latter class a fair proportion are fitted to become teachers and professors of history. During the third year, students are permitted, under strict regulations, to

hear lectures in the *École des Chartres*, and in the *École pratique* still to be mentioned. After the second year, the students are required, in addition to their regular work, to devote themselves in the most serious manner to some work of earnest investigation. Many of the fruits of these studies have appeared from time to time in the pages of the *Revue Historique*.

From what has been said, it will readily be inferred that the competition for admission is such that it is easy to maintain a high standard of scholarship. It is not too much to say that the school is exerting a vast influence on the rising generation of historical workers and teachers throughout France.

The third and last of the French schools entitled here to be especially named is the *École pratique des hautes Études*. This institution was the most important fruit of the scholarly activity of Victor Duruy, who in various ways did so much for historical teaching in France. It was in 1868 that, as minister of public instruction, he reported to the emperor that the lectures at the *Collège de France* were given to a promiscuous crowd of all classes and ages, as well as of both sexes; that these lectures made very little permanent impression, and that something should be done to teach such methods as those that had been instituted by the great scholars of Germany. Perhaps the most important merit of Duruy's scheme was that it was a carefully devised plan to break up the notion that there could be such a thing as historical education from the mere hearing of lectures. It was the formal establishment in France of the library, or laboratory method of investigation, as applied to history. But this intelligent minister did not go about his work blindly. The ambassadors, ministers, and consuls were directed by the French government to examine and report upon the methods of other countries, especially upon those of Germany. Some of the reports were of remarkable merit. They revealed at once the necessities of the situation, and the difficulties that would confront an effort to graft the new order upon the old stock. Duruy had the very common experience of finding at the university an imperturbable conservatism. The old professors resisted his efforts at every point. He found it impossible either to convince them or to move them. Finally he determined to flank them, and this he did by establishing a new school, *L'École pratique des hautes Études*. The new school was founded by imperial decree, July 31, 1868, and

his purpose was declared to be the bringing together not simply of auditors but of pupils—*élèves*. The librarian of the Sorbonne, M. Léon Rénier, was put in charge. Associated with him were Waddington, an old student of Oxford, and subsequently minister of public instruction; Michel Bréal, who had drawn up an admirable report on the methods in Germany; and Alfred Maury, director of the national archives. To the amazement of everybody, Duruy appointed young men, for the most part unknown, in regard to whose ability he had extraordinary sagacity. One of the most noteworthy of these was Gabriel Monod, who at once instituted a seminary of the most approved German thoroughness, and a little later founded the *Revue Historique* as an organ of expression of this new historical school. During the first year they had but six pupils; but so excellent were their methods, so energetic were their labors, and so admirable were their fruits, that in 1889, twenty-one years after the founding of the school, there have come to be some thirty professors, giving in the most approved and scientific manner scarcely less than a hundred different courses, in which the students are required to carry on their work by means of personal investigation. Of the admirable character of the results accomplished by this group of young French historical scholars, the most abundant evidence is furnished by the pages of the *Revue Historique*.

But recent and special activity in historical work is not confined to the new schools. It is manifest everywhere in preponderating influence. Of the thirty-eight professors in the *Faculté des Lettres* at Paris, ten are professors of history, and two are professors of geography. Under the Second Empire the whole number was only three. A kindred impulse has also been felt in the provinces. The city of Paris has founded a chair for the special study of the history of the French Revolution. A similar chair has been founded at Lyons. Bordeaux has established a chair for the study of the history of southern France. In the *École libre des Sciences politiques*, founded by M. Boutmy in 1872, much work in the history of political institutions is also done. The French schools at Athens and Rome are doing much in archæology. And so in every quarter and at every point, France seems to be fully alive to the fact that it is in the study of history that the present needs of the nation are to be advantageously and abundantly supplied.

In the presence of such achievements, American scholarship finds far more encouragement for its modesty than for its pride.

Why may not a school, with some such methods and purposes as those established at Paris, be established in the United States? Shall it be in Washington, or in New York, or at Harvard, or at Yale, or at Johns Hopkins, or at Cornell, or at some other educational center in the nation?

It is not exhilarating to our patriotism to reflect that until some such facilities are afforded on this side of the Atlantic, large numbers, not only of the brightest but also of the wisest of our youth, will annually flock to the better opportunities provided by the institutions of the Old World.

THE SPIRIT OF HISTORICAL RESEARCH.*

By JAMES SCHOULER.

What, let us ask, is history? And by what image may we present to the mind of the student a proper conception of that department of study? Emerson, our American Plato, pictures as a vast sea the universal mind to which all other minds have access. "Of the works of this mind," he adds, "history is the record." That idea is a leading one of this philosopher. Man he considers the encyclopædia, the epitome of facts; the thought, he observes, is always prior to the fact, and is wrought out in human action.

Such a conception may suit the philosophic mind; it may commend itself to men of thought, as contrasted with men of action. But it seems to me too vast if not too vague a definition for an appropriate basis to historical investigation. No one can project history upon such a plan, except man's Maker, the Universal Mind itself. Thought itself may precede the fact, but the two do not coincide nor form a perfect sequence. The empire of thought differs greatly from that of personal action; we each live but one life, while we may propose a hundred. The works of the mind involve all knowledge, all reasoning, all experience. Nor can we with accuracy picture the human mind as a tranquil sea tossing only in its own agitations, but rather as an onward force working through strong physical barriers. History, in truth, is the record of human thought in active motion, of thought which is wrought out into action, of events in their real and recorded sequence. The individual acts upon his external surroundings; those surroundings react upon him and upon his fellows. Men, tribes, nations, thus acting, mold one another's career and are molded in return.

*Read before the American Historical Association, at Washington, December 31, 1889.

History leaves the whole boundless empire of unfettered mental philosophy, of fiction, of imagination. It deals with facts; it notes and narrates what has actually transpired and by whose agency; and it draws where it may the moral. History, in short, is the record of consecutive events—of consecutive public events.

This broad truth should be kept in view, that the human mind (under which term we comprise volition, and not the intellectual process alone), that the individual character acts upon the circumstances surrounding it, upon external nature, upon external fellow-beings. These persons and things external not only modify and influence one's attempted action, but modify his thought and feeling; they react upon him, form and influence his character, his destiny. This makes human history, and it makes the forecast of that history forever uncertain.

The picture, then, that we should prefer to present to the imagination is not of one vast universal mind, calmly germinating, fermenting, conceiving; not of one mind at equilibrium, having various inlets—but of a torrent in motion. They did wisely and naturally who mapped out for us a stream of history flowing onward, and widening and branching in its flow. Downward and onward, this impetuous torrent of human life obeys its own law of gravitation. It advances like a river, with its feeders or its deltas; or like the march of an immense army, now re-enforced, now dividing into columns, now reuniting,—but going forever on and never backward. Let us reject, therefore, the idea of an *à priori* history and whatever conception conjures up a human mind planning history in advance and then executing it. Buckle was oppressed to death by the burden of such an idea as that of reducing the whole history of this world's civilization to a law of natural selection. There is no rigid scientific development to the human race. The particle of divine essence which is in man formulates, creates, compels to its will, changes because of its desire for change; though, after all, it bends to the laws of natural necessity. The man of genius may invent; he may construct a wonderful motive engine which propels by steam or electricity; yet he may be battered to pieces by this same machine, if ignorant or careless of some latent physical cause. We speak, too, of prophecy; but prophecy is vague. "Westward," says Bishop Berkeley, "the course of empire takes its way;" and he looked through the

vista of a century. But who, of all our statesmen and philanthropists who flourished forty years ago—and wise and great, indeed, were many of them—foretold with accuracy how and through what agencies the problem of American slavery, which they so earnestly discussed, would reach its historical solution?

To take, then, our simile of the onward torrent from distant sources, or the army advancing from afar: Observe how absorbed was ancient history with the larger streams fed by hidden fountains; how its narrative was confined to the great leaders of thousands and tens of thousands. But in modern history each individual has his relative place; and looking as through a microscope we see an intricate network of rills from which the full stream is supplied. In this consists the difference between ancient and modern life, ancient and modern history. Simplicity is the characteristic of the primitive age; complexity is that of our present civilized and widely multiplied society. The ancient force was the force of the pre-eminent leader—of the king, the warrior-chief; but the modern force is that rather of combined mankind—of the majority. Individuals were formerly absorbed under the domination of a single controlling will, but now they are blended or subdued by the co-operation of wills, among which the greatest or the pre-eminent is hard to discover. The course of history all the while is consecutive, knowing no cessation. There is a present, a past, and a future; but the present soon becomes the past, the future takes its turn as the present. And, after all, the only clear law of history is that of motion incessantly onward.

As students of history we seek next a subject and a point of view. Look, then, upon this vast chart of the world's progress. Retrace its course, if you will, and choose where you shall explore. Do not choose at random, but with this great universal record to guide you as a chart; as a chart capable, indeed, of correction, but in the main correct enough to serve the navigator. Having thus chosen, circumscribe your work; confine your exploration to a particular country, to a particular period, say of twenty, thirty, or a hundred years; let your scrutiny be close, and discover what you may to render the great chart fuller and more accurate than hitherto. If universal history be your subject, you will not go far beyond tracing the bold headlands, while on the other hand, with a small compass of work, you may contribute much information of genuine value to your age. Explore from some starting point; you can de-

scend upon it like a hawk. You may require some time to study its vicinity, to look back and consider what brought the stream to this point. But your main investigation will be not by exploring to a source, but by following the stream in its onward and downward current. In the present age one must be ignorant of much if he would be proficient in something.

Our chart of history opens like an atlas; it presents page after page of equal size, but with a lessening area for the sake of an increasing scale. One page exhibits a hemisphere, another a continent, another a nation; others, in turn, the state, the county, the municipal unit. From a world we may thus reduce the focus, until we have mapped within the same spaces a town or city, or even a single house; from a population of millions we may come down to a tribe, a family, or even (as in a biography) to a single individual, and we retrace the human course accordingly. Or we may trace backwards, as the genealogist does, in an order reverse to biography or general history. As we have projected, so we work, we investigate. In such an atlas as I am describing, how different appear both civil and physical configurations at different epochs. Compare, for instance, a map of the United States of our latest date with earlier ones in succession from 1787. Not only in national names and boundaries do they differ, not only in the obscure or erroneous delineation of lakes and rivers in unexplored regions, but in that dotting of towns and cities, that marking of county divisions, which positively indicates the advance of a settled population and settled State governments. Maps of different epochs like these, where they exist, are part of a permanent historical record.

Involved in the study of any civilization is the study of its religion, of its literature, of its political and military movements, of the appliances of science, of the changes and development of trade, commerce, and industries. Each of these influences may be traced apart, or their combined influence may be shown upon the course of some great people. In this present enlightened age, nations intersect one another more and more in their interests, and you may feel the pulse of the whole civilized world through the daily press. How different the task of preparing such a history as the nineteenth century requires, from that of ancient Athens, of China, of mediæval Britain, of early America. But in all tasks unity and selection should be the aim, and above all circumscription. One

must measure out his work with exactness, make careful estimates, and work the huge materials into place, besides using his pencil with the dignity and grace of an artist. In a word, he should be an architect. It is because of this union of the ideal and practical that Michael Angelo deserves the first place among men distinguished in the fine arts. And for this reason, too, we may well rank Gibbon as the foremost among historians; as greater, indeed, than Thucydides, Sallust, or any other of those classical writers who have so long been held up for modern reverence. And this is because, with skill equally or nearly as great as theirs, he conceived and wrought out a task far more difficult. In historical narrative the greatest triumph consists in tracing out and delineating with color and accuracy a variety of intricate influences which contribute to the main result. And who has done this so well as the author of the "Decline and Fall of the Roman Empire," that greatest of all historical themes, that most impressive and momentous of all human events? See the hand of the master unfolding the long train of emperors and potentates; painting the revolt and irruption of distant nations, of remote tribes; gathering upon his canvas the Greeks, the Scythians, the Arabs, Mohammed and his followers, the fathers of the Christian Church, the Goths and northern barbarians who were destined to shape the civilization of modern Europe; leading his readers with stately tread through the whole grand pathway down which the highest type of a pagan civilization sank slowly into the shades and dissolution of the dark ages. I will not deny that Gibbon had faults as a historian; that his stately pomp might become wearisome, that he partook somewhat of the French sensuousness and skepticism which surrounded him as he labored. But of his profound scholarship and artistic skill there can be no question. Contrast with a task like his the simple narrative of some brief strife under a few heroes or a single one—like the history of the Peloponnesian or Jugurthine war, or like that of the Cortes invasion of Mexico which our own Prescott has so admirably described—and see how immense is the difference. Yet I would not be understood to disparage these other writers with simpler subjects. They have instructed and interested posterity and their own times; their fame is deservedly lasting; there is room in historical literature for them and for all. And our Anglo-Saxon appears to be, of all historical explorers, the best adapted to portray the man-

ners and events of foreign nations and distant times. Thucydides and Xenophon wrote each of his own country alone; and so did Sallust, Livy, Tacitus. But Gibbon perfected himself in a foreign literature and tongue so as to write of other lands; and so, too, did our Prescott and Motley.

Here let us observe how much easier it is to be graphic, to interest and attract the reader, when one's story has simple unity and relates to personal exploit. Biography, or the study of individual leaders, is at the foundation of the narratives which are most widely read and most popular; in the Bible, for instance, in Homer, in the wars of Alexander, Cæsar, or Napoleon. Biography excites interest because it develops, as in the reader's own experience, the growth of a certain individual life to which all other lives bear but an incidental relation; and for this reason, too, biography is partial. The modern temperament, however, leads us to investigate, besides, the growth of the people who were ruled, the development of their laws, manners, customs, and institutions. In either case the interest that moves the reader is human. That military and political course of a community with which history is chiefly engrossed moves far differently, to be sure, under an absolute monarch than in a democracy; in the former case foibles and caprice are those of a person, in the latter they are those of a whole people. Yet we observe in all but the ruder ages of mankind the refining influence upon rulers which is exerted by philosophy, by religion, literature and the arts. Note this, for example, under the reign of Solomon, of Pericles, of Alexander, of Constantine; and yet it is a lasting regret to posterity that out of epochs like theirs so little is left on record concerning the daily lives and habits of the people they governed. That must be a rigid tyranny, indeed, whose government has not recognized to some extent the strong though insensible force of popular customs. Custom constantly crystallizes into laws, which the legislature, the court, or the monarch stamps with authority; and thus are local institutions pruned and trained like the grape-vine on a trellis. We find in the most primitive society wills and the transmission of property recognized; buying and selling; trade and commerce (whence come revenue and personal prosperity); marriage and the seclusion, greater or less, of the family circle. How seldom has the reader associated all these with the wealth of Solomon and the Queen of Sheba, with the vicissitudes of Crœsus, the volup-

tuous pleasures of Xerxes, Cleopatra, or the later Cæsars; and yet it is certain that unless the subjects of monarchs like these had pursued their private business successfully, amassed fortunes of their own, brought up families, and increased in numbers, the monarch could not have been arrayed with such luxury; for royal revenues come from taxation, and the richest kings and nobles take but a percentage from the general wealth. The customs of one nation are borrowed by others; Moses, Lycurgus, Solon, among the great lawgivers, framed codes each for his own people after observing the institutions of other and older countries, and considering how best to adapt them. Government has rightly been likened to a coat which is cut differently to fit each figure, each nation; and, more than this, the garb itself may differ in pattern, since the object is to clothe different communities appropriately to the tastes and habits of each. We shall continue to regret, then, that the ancient writers have left us so little real illustration concerning the habits of these earlier peoples—how they worked and sported, and what was their intercourse and mode of life. Research in archæology may yet supply such information in a measure; and of the institutions, the embodied customs, we have, fortunately, some important remains. No contribution survives, more valuable to this end, than the books of Roman jurisprudence which were compiled under Justinian. Though one of the lesser rulers of that once illustrious empire, he has left a fame for modern times more conspicuous than that of Julius or Augustus Cæsar; and this is because he brought into permanent and enduring form for the guidance and instruction of all succeeding ages the wisest laws, the best epitome of human experience, the broadest embodiment of customs, which ever regulated ancient society in the mutual dealings of man and man.

As for the progress of our modern society which emerges from the mediæval age succeeding the Roman collapse, its advance in knowledge and the arts, in the successive changes of manners and pursuits, there is much yet to be gathered and exposed to view for illustration; though with respect to England we owe much to Macaulay for setting an example of investigation upon that broader line which Niebuhr and others of his school had initiated for Roman history. And Macaulay achieved the additional triumph of making such investigation attractive. Statutes and judicial reports (to quote Daniel Webster) are overflowing fountains of knowledge respecting

the progress of Anglo-Saxon society, from feudalism down to the full splendor of the commercial age. And from the modern invention of printing, let us add, and particularly since the growth and development of the modern press, we find (with all the faults of fecundity and fallibility which are peculiar to journalism) a picture of the world's daily life set forth which far surpasses in its vivid and continuous delineation any collection of ancient records. Our modern newspaper may pander for the sake of gain; it may avow no higher aim in affairs than to please a paying constituency; and yet, for better or worse, it wields and will continue to wield an immense power. The reporter may be brazen-faced, inclined to scandalous gossip and ribaldry; the news may be spread forth disjointed, founded on false rumor, requiring correction; editorial comments may be willfully partisan, or thundered from the Olympus height of a safe circulation; but, even at its worst, so long as it is duly curbed by the laws of libel so essential for the citizen's protection, what with advertisements, business news, the discussion of current topics, the description of passing events and the transient impression made by them, our newspaper holds the mirror up to modern society; while at its best, journalism sits in her chariot, pencil in hand, like that marble muse herself in our national capitol, over the timepiece of the age. The newspaper's truest revelation is that unconscious one of the passions and prejudice of the times, and of that cast of popular thought under which events were born; it preserves imperishable the fashion prevailing, for posterity to look upon with reverence or a smile. But in the present age the journalist should beware how he presents his columns to bear the double weight of universal advertiser and universal purveyor of knowledge, lest he make a chaos of the whole. As in the former centuries records were scanty, so in the century to come they will be found superabundant, unless fire or deluge diminish them. Pregnant facts, such as in the past we search for in vain, lie buried under prevalent methods, in bushel-heaps of worthless assertion. To know the old era, you must search with a lantern; to know the new era, you must winnow.

Research is a fitting word to apply in historical studies; for by this word we import that one is not content to skim the surface of past events, but prefers to probe, to investigate, to turn the soil for himself. It is original exploration which makes such studies attractive and stimulating. We walk the

streets of buried cities and roam through the deserted houses, once instinct with life, piercing the lava-crust of careless centuries; we place our hearts and minds, richer by accumulated experience, close to the passions and intellects of an earlier age; and we listen to the heart beat of a race of mankind who reached forward, as our own race is reaching and as all races reach in turn, to catch the omens of a far off destiny. The grand results and the grand lessons of human life are ours in the retrospect, and in the retrospect alone. And while retracing thus the foot-prints of the past, we shall do well if we deduce the right moral; if we judge of human actions dispassionately and as befits scholars of riper times and a broader revelation; if we keep under due constraint that laudable but dangerous passion for new discovery, so as neither to revive buried calumnies nor to weigh evidence with a perverted bias to novelty. Let our judgment give full force to the presumption that the long-settled opinion is the true one, and let our spirit of research be imbued at all times with the fearless purpose to know and to promulgate the truth.

THE ORIGIN OF THE NATIONAL SCIENTIFIC AND EDUCATIONAL INSTITUTIONS OF THE UNITED STATES.*

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"Early in the seventeenth century," we are told, "the great Mr. Boyle, Bishop Wilkins, and several other learned men, proposed to leave England and establish a society for promoting knowledge in the new Colony [of Connecticut], of which Mr. Winthrop,† their intimate friend and associate, was appointed Governor."

"Such men," wrote the historian, "were too valuable to lose from Great Britain, and Charles the Second having taken them under his protection in 1661, the society was there established, and received the title of 'The Royal Society of London.'"‡

For more than a hundred years this society was for our country what it still is for the British colonies throughout the world—a central and national scientific organization. All Americans eminent in science were on its list of Fellows, among them Cotton Mather, the three Winthrops, Bowdoin, and Paul Dudley in New England; Franklin, Rittenhouse, and Morgan in Pennsylvania; Banister, Clayton, Mitchell, and Byrd in Virginia, and Garden and Williamson in the Carolinas, while in its "Philosophical Transactions" were published the only records of American research.§

* Revised and corrected to July 15, 1890.

† John Winthrop, F. R. S. [1606–'76], elected Governor of Connecticut in 1657.

‡ Eliot, John, Biographical Dictionary of Eminent Characters in New England. Salem, 1809.

§ The first meetings of the body of men afterwards organized as the Royal Society appear to have taken place during the Revolution and in the time of Cromwell, and as early as 1645, we are told by Wallace, weekly meetings were held of "diverse worthy persons inquisitive into natural philosophy and other parts of human learning, and particularly of what has been called the *New Philosophy*, or *Experimental Philosophy*," and it is more than

It was not until long after the middle of the last century that any scientific society was permanently established in North America, although serious but fruitless efforts were made in this direction as early as 1743, when Benjamin Franklin issued his circular entitled "A proposal for promoting useful knowledge among the British plantations in America," in which it was urged "that a society should be formed of *virtuosi* or ingenious men residing in the several colonies, to be called the American Philosophical Society."

There is still in existence, in the possession of the Philosophical Society in Philadelphia, a most interesting letter from Franklin to Governor Cadwallader Colden of New York, in which he tells of the steps which had already been taken for the formation of a scientific society in Philadelphia, and of the means by which he hoped to make it of great importance to the colonies.

Our forefathers were not yet prepared for the society, nor for the "American Philosophical Miscellany" which Franklin proposed to issue, either monthly or quarterly. There is no reason to believe that the society ever did anything of importance. Franklin's own attention was soon directed exclusively to his electrical researches, and his society languished and died.

Some twenty years later, in 1766, a new organization was attempted under the title of "The American Society held at Philadelphia for Promoting Useful Knowledge."* Franklin, although absent in England, was elected its President, and the association entered upon a very promising career.

In the meantime the few surviving members of the first "American Philosophical Society" formed, under the old name, an organization which in many particulars was so unlike that

probable that this assembly of philosophers was identical with the "Invisible College" of which Boyle spoke in sundry letters written in 1646 and 1647. These meetings continued to be held, sometimes at the Bull-Head Tavern, in Cheapside, but more frequently at Gresham College, until 1660, when the first record book of this society was opened. Among the first entries is a reference to a design then entertained "of founding a College for the promoting of Physico-Mathematicall Experimentall Learning." Dr. Wilkins was appointed chairman of the society, and shortly after, the king, Charles II, having become a member, its regular meeting place was appointed to be in Gresham College.

* This name was adopted in 1768 to replace that first adopted in 1766, which was "The American Society for Promoting and Propagating Useful Knowledge, held in Philadelphia."

proposed in 1743 that it might almost be regarded as new rather than a revival. Its membership included many of the most influential and wealthy colonists, and the spirited manner in which it organized a plan for the observation of the transit of Venus in 1769 gave it at once a respectable standing at home and abroad.

In 1769, after negotiations which occupied nearly a year, the two societies were united* and "The American Philosophical Society held at Philadelphia for Promoting Useful Knowledge," has from that time until now, maintained an honorable position among the scientific organizations of the world.

The society at once began the publication of a volume of memoirs, which appeared in 1771 under the name of "The American Philosophical Transactions."†

From 1773 to 1779 its operations were often interrupted. In the minutes of the meeting for December, 1774, appears the following remarkable note in the handwriting of Dr. Benjamin Rush, one of the secretaries, soon after to be one of the signers of the Declaration of Independence:

The act of the British Parliament for shutting up the port of Boston, for altering the charters and for the more impartial administration of justice in the province of Massachusetts Bay, together with a bill for establishing popery and arbitrary power in Quebec, having alarmed the whole of the American colony, the members of the American Philosophical Society par-

*Some insight into the scientific politics of the time may be gained by reading the following extract from a letter addressed to Franklin by Dr. Thomas Bond, June 7, 1769: "I long meditated a revival of our American Philosophical Society, and at length thought I saw my way clear in doing it, but the old party leaven split us for a time. We are now united, and with your presence may make a figure; but till that happy event I fear much will not be done. The assembly have countenanced and encouraged us generously and kindly, and we are much obliged to you for your care in procuring the telescope, which was used in the late observations of the transit of Venus."

†A copy of the finished volume of the Transactions was presented to each member of the Pennsylvania assembly, accompanied by an address as follows: "As the various societies which have of late years been instituted in Europe have confessedly contributed much to the more general propagation of knowledge and useful arts, it is hoped it will give satisfaction to the members of the honorable House to find that the Province which they represent can boast of the first society and the first publication of a volume of Transactions for the advancement of the useful knowledge of this side of the Atlantic; a volume which is wholly American in composition, printing, and paper, and which, we flatter ourselves, may not be thought altogether unworthy of the attention of men of letters in the most improved parts of the world."

taking with their countrymen in the distress and labours brought upon their country, were obliged to discontinue their meetings for some months until a mode of opposition to the said acts of Parliament was established, which we hope may restore the former harmony and maintain a perpetual union between Great Britain and the Americas.

This entry is especially interesting, because it emphasizes the fact that among the members of this infant scientific society were many of the men who were most active in the organization of the Republic, and who, under the stress of the times, abandoned the quiet pursuits of science, and devoted themselves to the national interests which were just coming into being.

Franklin was president from its organization until his death in 1790. He was at the same time president of the Commonwealth of Pennsylvania, and a member of the Constitutional Convention, and the eminence of its leader probably secured for the body greater prestige than would otherwise have been attainable. The society, in fact, soon assumed national importance, for, during the last decade of the century and for many years after, Philadelphia was the metropolis of American science and literature.

Directly after the Revolution, a similar institution was established in Boston,—the American Academy of Arts and Sciences, which was incorporated by the legislature of Massachusetts in 1780, and published its first memoirs in 1785. This, like the Philadelphia society, owed its origin to the efforts of a great statesman. We find the whole history in the memoirs of John Adams, a man who believed, with Washington, that scientific institutions are the best and most lasting protection of a popular government.

In a memorandum written in 1809, Mr. Adams gave his recollections of the circumstances which led to his deep and lasting interest in scientific foundations.

In traveling from Boston to Philadelphia, in 1774–'75–'76–'77, I had several times amused myself at Norwalk, in Connecticut, with the very curious collection of birds and insects of American production made by Mr. Arnold;* a collection which he afterwards sold to Governor Tryon, who sold it to Sir Ashton Lever, in whose apartments in London I afterwards viewed it again. This collection was so singular a thing that it made a deep impression upon me, and I could not but consider it a reproach to my country, that so little was known, even to herself, of her natural history.

* Some local antiquary may make an interesting contribution to the literature of American museum work by looking up the history of this collection.

When I was in Europe, in the years 1778–'79 in the commission to the King of France, with Dr. Franklin and Mr. Arthur Lee, I had opportunities to see the King's collection and many others, which increased my wishes that nature might be examined and studied in my own country, as it was in others.

In France, among the Academicians and other men of science and letters, I was frequently entertained, with inquiries concerning the Philosophical Society of Philadelphia, and with eulogiums on the wisdom of that institution, and encomiums on some publications in their Transactions. These conversations suggested to me the idea of such an establishment in Boston, where I knew there was as much love of science, and as many gentlemen who were capable of pursuing it, as in any other city of its size.

In 1779, I returned to Boston on the French frigate *La Sensible*, with the Chevalier de la Luzerne and M. Marbois.* The corporation of Harvard College gave a public dinner in honor of the French ambassador and his suite, and did me the honor of an invitation to dine with them. At table in the Philosophy Chamber, I chanced to sit next to Dr. Cooper.† I entertained him during the whole of the time we were together, with an account of Arnold's collections, the collection I had seen in Europe, the compliments I had heard in France upon the Philosophical Society of Philadelphia, and concluded with proposing that the future legislature of Massachusetts should institute an Academy of Arts and Sciences.

The doctor at first hesitated; thought it would be difficult to find members who would attend to it; but the principal objection was, that it would injure Harvard College by setting up a rival to it that might draw the attention and affections of the public in some degree from it. To this I answered,—first, that there were certainly men of learning enough that might compose a society sufficiently numerous; and secondly, that instead of being a rival to the university, it would be an honor and an advantage to it. That the president and principal professors would, no doubt, be always members of it; and the meetings might be ordered, wholly or in part, at the college and

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* The Chevalier Anne César de la Luzerne [1741–1821] was French minister to the United States from 1779 to 1783, afterwards minister to England. M. François de Barbé Marbois [1745–1837] was his secretary of legation, and after the return of his chief to France, was *chargé d'affaires* until 1785. For many interesting facts, not elsewhere accessible, concerning the career of these men in the United States, and their acquaintance with Adams, see John Durand's admirable "New Materials for a History of the American Revolution." New York: Henry Holt & Co., 1889. 12°, pp. i–vi, 1–310.

† Rev. Samuel Cooper, D. D. [1725–83], an eminent patriot, long pastor of Brattle Street Church, in Boston, and a leading member of the corporation of Harvard. He was the first vice-president of the American Academy of Arts and Sciences.

The first president of the Academy was James Bowdoin, afterwards governor of Massachusetts, and the friend of Washington and Franklin, and a member of the Royal Society. He held the presidency from 1780 until his death in 1790. His descendant, the Hon. Robert C. Winthrop, was chosen to deliver the oration at the centennial anniversary of the organization of the society.

in that room. The doctor at length appeared better satisfied, and I entreated him to propagate the idea and the plan as far and as soon as his discretion would justify. The doctor did accordingly diffuse the project so judiciously and effectually that the first legislature under the new constitution adopted and established it by law. Afterwards, when attending the convention for forming the constitution, I mentioned the subject to several of the members, and when I was appointed by the sub-committee to make a draught of a project of a constitution to be laid before the convention, my mind and heart was so full of this subject that I inserted the provision for the encouragement of literature in chapter fifth, section second. I was somewhat apprehensive that criticism and objections would be made to the section, and particularly that the "natural history" and the "good humor" would be stricken out; but the whole was received very kindly, and passed the convention unanimously, without amendment. *

The two societies are still institutions of national importance, not only because of a time-honored record of useful work, but on account of important general trusts under their control. Although all their meetings are held in the cities where they were founded, their membership is not localized, and to be a "Member of the American Philosophical Society" or a "Fellow of the American Academy," is an honor highly appreciated by every American scientific man.

The Philosophical Society (founded before the separation of

* The provision in the State constitution of which Mr. Adams speaks, was the following:

"The encouragement of literature, etc. Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties, and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislators and magistrates in all future periods of the commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them, especially the university at Cambridge, public schools, and grammar schools in the towns, to encourage private societies and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings, sincerity, good humor, and all social affections and generous sentiments among the people."

"This feature of the constitution of Massachusetts," writes Mr. Adams's biographer, "is peculiar, and in one sense original with Mr. Adams. The recognition of the obligation of a State to promote a higher and more extended policy than is embraced in the protection of the temporal interests and political rights of the individual, however understood among enlightened minds, had not at that time been formally made a part of the organic law. Those clauses since inserted in other State constitutions, which, with more or less of fullness, acknowledged the same principle, are all manifestly taken from this source."

the colonies) copied the Royal Society of Great Britain in its corporate name, as well as in that of its transactions, and in its ideals and methods of work took it for a model.

The American Academy, on the other hand, had its origin "at a time when Britain was regarded as an inveterate enemy, and France as a generous patron,"* and its founders have placed upon record the statement that it was their intention "to give it the air of France rather than that of England, and to follow the Royal Academy rather than the Royal Society.† And so in Boston, the Academy published "Memoirs," while conservative Philadelphia continued to issue "Philosophical Transactions."

In time, however, the prejudice against the motherland became less intense, and the Academy in Boston followed the general tendency of American scientific workers, which has always been more closely parallel with that of England than that of continental Europe, contrasting strongly with the disposition of modern educational administrators to build after German models.

It would have been strange indeed if the deep-seated sympathy with France which our forefathers cherished had not led to still other attempts to establish organizations after the model of the French Academy of Sciences. The most ambitious of these was in connection with the "Academy of Arts and Sciences of the United States of America," whose central seat was to have been in Richmond, Va., and whose plan was brought to America in 1788, by the Chevalier Quesnay de Beaurepaire. This project, we are told, had been submitted to the King of France and to the Royal Academy of Science, and had received an unqualified endorsement signed by many eminent men, among others by Lavoisier and Condorcet, as well as a similar paper from the Royal Academy of Paintings and Sculpture, signed by Vernet and others. A large sum was subscribed by the wealthy planters of Virginia and by the citizens of Richmond, a building was erected, and one professor, Dr. Jean Rouelle, was appointed, who was also commissioned "mineralogist-in-chief" and instructed to make natural history collections in America and Europe.

The population of Virginia, it proved, was far too scattered and rural to give any chance of success for a project which in

*Letter of Manasseh Cutler to Dr. Jonathan Stokes, August 17, 1785.
†Cutler, *l c.*

its nature was only practicable in a commercial and intellectual metropolis, and the Academy died almost before it was born.

"Quesnay's scheme was not altogether chimerical," writes H. B. Adams, "but in the year 1788 France was in no position, financial or social, to push her educational system in Virginia. The year Quesnay's suggestive little tract was published was the year before the French Revolution, in which political maelstrom everything in France went down. * * * If circumstances had favored it, the Academy of the United States of America, established at Richmond, would have become the centre of higher education, not only for Virginia, but for the whole South, and possibly for a large part of the North, if the Academy had been extended as proposed, to the cities of Baltimore, Philadelphia, and New York. Supported by French capital, to which in large measure we owe the success of our Revolutionary War, strengthened by French prestige, by liberal scientific and artistic associations with Paris, then the intellectual capital of the world, the Academy at Richmond might have become an educational stronghold, comparable in some degree to the Jesuit influence in Canada, which has proved more lasting than French dominion, more impregnable than the fortress of Quebec."*

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* Copies of Quesnay's pamphlet are preserved in the Virginia State Library at Richmond, and in the Andrew D. White Historical Library of Cornell University, as well as in a certain private library in Baltimore. A full account of this enterprise may be found in Herbert B. Adams's "Thomas Jefferson and the University of Virginia," pp. 21–30, and other records occur in Mordecai's "Richmond in By-gone Days" (2d edition, pp. 198–208), and in Goode's "Virginia Cousins," p. 57.

The building erected for the Academy of Sciences was the meeting-place of the convention of patriots and statesmen who ratified in 1788 the Constitution of the United States, and subsequently was the principal theater of the city of Richmond.

"The academy grounds," writes R. A. Brock, "included the square bounded by Broad and Marshal and Eleventh and Twelfth streets, on the lower portion of which stood the Monumental Church and the medical college. The academy stood midway in the square fronting Broad Street. '*L'Academie Des Etats-Unis De L'Amerique*' was an attempt, growing out of the French alliance with the United States, to plant in Richmond a kind of French academy of the arts and sciences, with branch academies in Baltimore, Philadelphia, and New York. The institution was to be at once national and international. It was to be affiliated with the royal societies of London, Paris, Bruxelles, and other learned bodies in Europe. It was to be composed of a president, vice-president, six counsellors, a treasurer-general, a secretary, and a recorder, an agent for taking European sub-

A scientific society was organized at Williamsburg during the Revolution, but in those trying times it failed for lack of attention on the part of its founders.

Our forefathers in colonial times had their national universities beyond the sea, and all of the young colonists who were able to do so, went to Oxford or Cambridge for their classical degrees, and to Edinburgh and London for training in medicine, for admission to the bar, or for clerical orders. Local colleges seemed as unnecessary as did local scientific societies.

Many attempts were made to establish local societies before

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scriptions, French professors, masters, artists-in-chief attached to the academy, twenty-five resident and one hundred and seventy-five non-resident associates, selected from the best talent of the old world and the new. The academy proposed to publish yearly, from its own press in Paris, an almanac. The academy was to show its zeal for science by communicating to France and other European countries a knowledge of the natural products of North America. The museums and cabinets of the old world were to be enriched by the specimens of the flora and fauna of a country as yet undiscovered by men of science. The promoter of this brilliant scheme was the Chevalier Alexander Maria Quesnay de Beaurepaire, grandson of the famous French philosopher and economist, Dr. Quesnay, who was the court physician of Louis XV. Chevalier Quesnay had served as a captain in Virginia, in 1777–'78, in the war of the revolution. The idea of founding the academy was suggested to him in 1778 by John Page, of 'Rosewell,' then lieutenant-governor of Virginia, and himself devoted to scientific investigation. Quesnay succeeded in raising by subscription the sum of 60,000 francs, the subscribers in Virginia embracing nearly one hundred prominent names. The corner-stone of the building, which was of wood, was laid with Masonic ceremonies July 8, 1786. Having founded and organized this academy under the most distinguished auspices, Quesnay returned to Paris and succeeded in enlisting in support of his plan many learned and distinguished men of France and England. The French revolution, however, put an end to the scheme. The academy building was early converted into a theater, which was destroyed by fire, but a new theater was erected in the rear of the old. This new building was also destroyed by fire on the night of December 26, 1811, when seventy-two persons perished in the flames. The Monumental Church commemorates the disaster, and its portico covers the tomb and ashes of most of its victims. A valuable sketch of Quesnay's enlightened projection, chiefly drawn from his curious '*Memoire concernant l'Academie des Sciences et Beaux Arts des Etats-Unis d'Amerique, Etablie a Richmond*,' was published in *The Academy*, December, 1887, Vol. II, No. 9, pp. 403, 412, by Dr. Herbert B. Adams, of Johns Hopkins University. A copy of Quesnay's rare 'Memoire' is in the Library of the State of Virginia. Quesnay complains bitterly that all his letters relating to his service in the American army had been stolen from a pigeon-hole in Governor Henry's desk, and his promotion thus prevented."

final results were accomplished, and the beginnings of the national college system had a similar history.

In 1619 the Virginia Company of England made a grant of ten thousand acres of land for "the foundation of a seminary of learning for the English in Virginia," and in the same year the bishops of England, at the suggestion of the king, raised the sum of £1,500 for the encouragement of Indian education in connection with the same foundation. A beginning was made toward the occupation of the land, and George Thorpe, a man of high standing in England, came out to be superintendent of the university, but he and three hundred and forty other colonists (including all the tenants of the university) were destroyed by the Indians in the massacre of 1622.

The story of this undertaking is told by Prof. H. B. Adams in the "History of the College of William and Mary," in which also is given an account of the *Academia Virginiensis et Oxoniensis*, which was to have been founded on an island on the Susquehanna River, granted in 1624 for the founding and maintenance of a university, but was suspended on account of the death of its projector, and of King James I., and the fall of the Virginia Company.

Soon after, in 1636, came the foundation of Harvard, then in 1660 William and Mary, Yale in 1701, the College of New Jersey in 1746, the University of Pennsylvania in 1751, Columbia in 1754, Brown in 1764, Dartmouth in 1769, the University of Maryland in 1784, that of North Carolina in 1789–'95, that of Vermont in 1791, and Bowdoin (the college of Maine) in 1794.

When Washington became President, one hundred years ago, there were no scientific foundations within this Republic save the American Academy in Boston; and, in the American Philosophical Society, Bartram's Botanic Garden, the private observatory of Rittenhouse, and Peale's Natural-History Museum, Philadelphia.

Washington's own inclinations were all favorable to the progress of science; and Franklin, who would have been Vice-President but for his age and weakness, Adams, the Vice-President, and Jefferson, Secretary of State, were all in thorough sympathy with the desire of their chief to "promote as objects of primary importance institutions for the general diffusion of knowledge." All of them were fellows of the American Philosophical Society, and the President took much interest in its proceedings. The records of the society show that he nomi-

nated for foreign membership the Earl of Buchan, president of the Society of Scottish Antiquaries, and Dr. James Anderson.

Washington's mind was scientific in its tendencies, and his letters to the English agriculturists (Young, Sinclair, and Anderson), show him to have been a close student of physical geography and climatology. He sent out with his own hand, while President, a circular-letter to the best informed farmers in New York, New Jersey, Pennsylvania, Maryland, and Virginia, and having received a considerable number of answers, prepared a report on the resources of the Middle Atlantic States, which was the first of the kind written in America, and was a worthy beginning of the great library of agricultural science which has since emanated from our Government press.

In a letter to Arthur Young, dated December 5, 1791, he manifested great interest in the Hessian fly, an insect making frightful ravages in the wheat fields of the Middle States, and so much dreaded in Great Britain that the importation of wheat from America was prohibited.* It was very possibly by his request that a committee of the Philosophical Society prepared and printed an elaborate and exhaustive report, and since its chairman was Washington's Secretary of State, it was practically a governmental affair, the precursor of subsequent entomological commissions, and of our Department of Economic Entomology.†

The interest of Washington in the founding of a national university, as manifested in the provisions of his last will and testament, are familiar to all, and I have been interested to learn that his thoughts were earnestly fixed upon this great project during all the years of the Revolutionary war. It is

* In an article recently published by Prof. C. V. Riley, he sustains the popular belief and tradition that *Cecidomya* was introduced about the time of the Revolution, and probably by Hessian troops. He gives interesting details concerning the work of the committee of the American Philosophical Society, and a review of recent controversies upon this subject.—See *Canadian Entomologist*, xx., p. 121.

† Before the organization of the Department of Agriculture, another step in economic entomology was taken by the General Government in the publication of an official document on silk-worms:

1828. | MEASE, JAMES. | 20th Congress, | 1st Session | [Doc. No. 226] Ho. of Reps. | Silk-worms. | ——— | Letter | from | James Mease, | transmitting a treatise on the rearing of silk-worms, | by Mr. De Hozze, of Munich, | with plates, etc., etc. | ——— | February 2, 1828.—Read and referred to the Committee on Agriculture. | —— | Washington: | Printed by Gales and Seaton | 1828. | 8°. pp. 1-108.

an inspiring thought that, during the long and doubtful struggle for independence, the leader of the American arms was looking forward to the return of peace, in anticipation of an opportunity to found in a central part of the rising empire an institution for the completing of the education of youths from all parts thereof, where they might at the same time be enabled to free themselves in a proper degree from local prejudices and jealousies.

Samuel Blodget in his "Economica," relates the history of the beginning of a national university.

"As the most minute circumstances are sometimes instructing for their relation to great events," he wrote, "we relate the first we ever heard of a national university: It was in the camp at Cambridge, in October, 1775, when Major William Blodget went to the quarters of General Washington to complain of the ruinous state of the colleges from the conduct of the militia quartered therein. The writer of this being in company with his friend and relation, and hearing General Greene join in lamenting the then ruinous state of the eldest seminary in Massachusetts, observed, merely to console the company of friends, that to make amends for these injuries, after our war, he hoped we should erect a noble national university, at which the youth of all the world might be proud to receive instructions. What was thus pleasantly said, Washington immediately replied to, with that inimitably expressive and truly interesting look, for which he was sometimes so remarkable: 'Young man, you are a prophet, inspired to speak what I am confident will one day be realized.' He then detailed to the company his impressions, that all North America would one day become united. He said that a Colonel Byrd,* of Virginia, was the first man who had pointed out the best central seat [for the capital city] near to the present spot, or about the falls of the Potomac. General Washington further said that a Mr. Evans † had expressed the same opinion with many other

* Probably the third William Byrd [1728–1777], the son of the author of "Westover Papers." He was colonel of the Second Virginia regiment in 1756, and perhaps was in camp with Washington on the present site of the capital, when he became so deeply impressed with the eligibility of the site for a national city.

†Perhaps Lewis Evans, the geographer, who in 1749 published a map of the central colonies, including Virginia. Professor Winsor tells me that there are copies of this map in the possession of Harvard University, in the library of the Pennsylvania Historical Society, and one in the Faden col-

gentlemen, who, from a cursory view of a chart of North America, received this natural and truly correct impression. The look of General Washington, the energy of his mind, his noble and irresistible eloquence, all conspired so far to impress the writer with these subjects, that if ever he should unfortunately become insane it will be from his anxiety for the federal city and national university." *

In another part of the same book Mr. Blodget describes a conversation with Washington, which took place after the site of the capital had been decided upon, in which the President "stated his opinion that there were four or five thousand inhabitants in the city of Washington, and until Congress were comfortably accommodated, it might be premature to commence a seminary. * * * He did not wish to see the work commenced until the city was prepared for it, but he added that he hoped he had not omitted to take such measures as would at all events secure the entire object in time, even if its merits should not draw forth from every quarter the aid it would be proud to deserve," alluding, of course, to the provisions in his own will. "He then," continues Blodget, "talked again and again on Mr. Turgot's and Dr. Price's calculations of the effect of compound interest, at which, as he was well versed in figures, he could acquit himself in a masterly manner." †

Concerning the fate of the Potomac Company, a portion of whose stock was destined by Washington as a nucleus for the endowment of a university, it is not necessary now to speak. The value of the bequest was at the time placed at £5,000 sterling, and it was computed by Blodget, that had Congress kept faith with Washington, as well as did the Legislature of Virginia in regard to the endowment of Washington College, his donation at compound interest would in twelve years (1815) have grown to $50,000, and in twenty-four (1827) years $100,000, an endowment sufficient to establish one of the colleges in the proposed university.

Madison, when a member of the Constitutional Convention in 1787, probably acting in harmony with the wishes of Washing-

lection in the Library of Congress. Prof. Josiah D. Whitney says that the legend on it, "All great storms begin to leeward," is, so far as he knows, the first expression of that scientific opinion.

* "Economica," p. 22.

† *Ib.*, App., p. ix.

ton, proposed as among the powers proper to be added to those of the General Legislature, the following:

"To establish a university.

"To encourage, by premiums and provisions, the advancement of useful knowledge, and the discussion of science."*

That he never lost his interest in the university idea is shown by his vigorous appeal while President, in his message of December, 1810, in which he urged the importance of an institution at the capital which would "contribute not less to strengthen the foundations than to adorn the structure of our system of government."

Quite in accord with the spirit of Madison's message was a letter in the Pennsylvania Gazette of 1788,† in which it was argued that the new form of government proposed by the framers of the Constitution could not succeed in a republic, unless the people were prepared for it by an education adapted to the new and peculiar situation of the country, the most essential instrument for which should be a federal university. Indeed, the tone of this article, to which my attention has recently been directed by President Welling, was so harmonious with that of the previous and subsequent utterances of Madison as to suggest the idea that he, at that time a resident of Philadelphia, may have been its author. It is more probable, however, that the writer was Benjamin Rush, who in 1787 issued an "Address to the People of the United States,"‡ which began with the remark that there is nothing more common than to confound the terms of American Revolution with those of the late American war.

"The American war is over," he said, "but this is far from being the case with the American Revolution. On the contrary, nothing but the first act of the great drama is closed. It remains yet to establish and perfect our new forms of government; and to prepare the principles, morals, and manners of our citizens for these forms of government after they are established and brought to perfection."§

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* "Madison Papers," i., pp. 354 and 577.

† See Appendix A.

‡ See Appendix B.

§ The "Society of Sons of the American Revolution," recently organized, and composed of descendants of Revolutionary soldiers and patriots, has for one of its objects "to carry out Washington's injunction 'to promote as objects of primary importance institutions for the diffusion of knowledge,' and thus to create an enlightened public opinion."

And then he went on to propose a plan for a national university, of the broadest scope, with post-graduate scholarships, a corps of traveling correspondents, or fellows, in connection with the consular service, and an educated civil service, organized in connection with the university work.

In "Economica," the work just quoted, printed in 1806, the first work on political economy written in America, Blodget referred to the national university project as an accepted idea, held in temporary abeyance by legislative delays.

Blodget urged upon Congress various projects which he thought to be of national importance, and among the first of these was "To erect, or at least to point out, the place for the statue of 1783, and either to direct or permit the colleges of the university formed by Washington to commence around this statue after the manner of the Timoleonton of Syracuse."*

In intimate connection with his plan for a university was that of Washington for a military academy at West Point. He had found during the Revolution a great want of engineers, and this want caused Congress to accept the services of numerous French engineers to aid our country in its struggle for independence.

At the close of the Revolution Washington lost no time in commending to Virginia the improvement of the Potomac and James Rivers, the junction by canal of Chesapeake Bay and Albemarle Sound of North Carolina. He soon after proceeded to New York to see the plans of General Schuyler to unite the Mohawk with the waters of Lake Ontario, and to Massachusetts to see the plans of the Merrimac Navigation Company.

It was the want of educated engineers for work of this kind that induced Generals Washington, Lee, and Huntington, and Colonel Pickering, in the year 1783, to select West Point as a suitable site for a military academy, and at that place such an institution was essayed, under the law of Congress, in 1794.

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* 1806 Blodget, Samuel, Jr. Economica: | A Statistical Manual | for the | United States of America. | = | . . . . . The legislature ought to make the people happy | Aristotle on government | = | . . . . . "Felix qui potuit rerum cognoscere causas" | = | City of Washington: | Printed for the author. | = | 1806, 12s i-viii, 1-202 i-xiv.

The certificate of copyright is in this form:

"Be it remembered that —— Samuel Blodget Jr. hath deposited in this office the title of a book the right whereof he claims as author, but for the benefit in trust for the free education fund of the university founded by George Washington in his last will," etc.

But from the destruction of the building, and its contained books and apparatus by fire, the academy was suspended until the year 1801, when Mr. Jefferson renewed the action of the law, and in the following year, 1802, a United States Corps of Engineers and Military Academy was organized by law and established at West Point, with General Jonathan Williams, the nephew of Franklin, and one of the vice-presidents of the Philosophical Society, at its head, and the United States Military Philosophical Society was established with the whole Engineer Corps of the Army for a nucleus.

This society had for its object "the collecting and disseminating of military science." Its membership during the ten years of its existence included most of the leading men in the country, civilians as well as officers in the Army and Navy. Meetings were held in New York and Washington, as well as in West Point, and it seems to have been the first national scientific society.*

The Patent Office also began under Washington, the first American patent system having been founded by act of Congress, April 10, 1790.

On the 8th of January, 1790, President Washington entered the Senate chamber, where both Houses of Congress were assembled, and addressed them upon the state of the new nation. In the speech of a few minutes, which thus constituted the first annual message to Congress, about a third of the space was given to the promotion of intellectual objects—science, literature, and arts. The following expression may perhaps be regarded as the practical origination of our patent system:

> I can not forbear intimating to you the expediency of giving effectual encouragement, as well to the introduction of new and useful inventions from abroad, as to the exertions of skill and genius in producing them at home.

This, of course was in direct pursuance of the constitutional enactment, bethought and inserted toward the closing days of

*At least three fascicles of "Extracts from the Minutes of the United States Military Society" were printed—one for the stated meeting, Oct. 6, 1806 [4°, 14 pp.]; one for an occasional meeting at Washington, Jan. 30, 1808 [4°, pp. 1-23 (1)]; and one for an occasional meeting at New York, Dec. 28, 1809 [4°, pp. 1-22]. The MS. Records, in four volumes, are said to be in the possession of the New York Historical Society.

I am indebted to Col. John M. Wilson, U. S. Army, Superintendent of the Military Academy, and to General J. C. Kelton, U. S. Army, for courteous and valuable replies to my letters of inquiry.

the convention in September, 1787, empowering Congress with such authority. Each House, the Senate on the 11th and the Representatives on the 12th, sent a cordial response to the President's address, reciting the particulars of his discourse, and promising, especially to his suggestions for encouragement of science and arts, "such early attention as their respective importance requires;" and the lower House proceeded rapidly with the work. January 15 it was resolved that the various measures indicated by the President should be referred to select committees respectively; and on the 25th such a commitee was formed to consider the encouragement of the "useful arts." It consisted of Edamus Burke, of South Carolina, a justice of the supreme court of that State, and native of Ireland; Benjamin Huntington, of Connecticut; and Lambert Cadwalader, of New Jersey. On the 16th of February, Mr. Burke reported his bill, which passed to its second reading the following day. It was copiously discussed and amended in Committee of the Whole, particularly March 4th, when "the clause which gives a party a right to appeal to a jury from a decision of referees, it was moved should be struck out." After a good deal of pointed and profitable remark as to the true sphere and function of juries, the motion for striking out was carried.

The next day, March 5th, the bill was ordered to be engrossed, and on the 10th, after third reading, it passed, and was carried to the Senate. Here, in a few days, it was referred to a committee of which Charles Carroll, of Maryland, was chairman, and reported back the 29th of March, where it passed, with twelve amendments, on the 30th. On the 8th of April it went forward with the signatures of Speaker and Vice-President to the President, who approved it April 10, 1790.* The first patent was granted on the 31st of the following July to Samuel Hopkins, of Vermont, for making "pot and pearl ashes;" and two more during that year.†

Thomas Jefferson, Secretary of State at this period, under which Department especially the patent system grew up for more than half its first century, took so keen an interest in its aim and workings, and gave such searching personal attention to the issue of the several patents, that he has been quite nat-

* "Statutes at Large," vol. i., pp. 109–112.

† Among the treasures of the National Museum is a patent dated 1796, signed by Washington as President and Pickering as Secretary of State.

urally reputed as the father of our Patent Office, and it seems to have been supposed that the bill itself creating it proceeded from his own suggestion. But by a comparison of dates this appears hardly possible. Jefferson returned from Europe to Norfolk and Monticello toward the end of 1789, his mind deeply occupied with the stirring movements of revolution abroad. During the winter months he was debating whether he should accept the charge of the State Department offered him by Washington; making his way by slow stages from Virginia to New York; receiving innumerable ovations; paying his last visit to the dying Franklin, and he only reached the seat of Government March 21, when the legislative work on this act was practically finished. More than to any other individual probably the American patent system looks for its origin to the Father of the Country.*

Jefferson took great pride in it, and gave personal consideration to every application that was made for patents during the years between 1790 and 1793, while the power of revision and rejection granted by that act remained in force. It is a matter of tradition, handed down to us from generation to generation, that, when an application for a patent was made, he would summon Mr. Henry Knox, of Massachusetts, who was Secretary of War, and Mr. Edmund Randolph, of Virginia, who was Attorney-General, these officials being designated by the act, with the Secretary of State, a tribunal to examine and grant patents; and that these three distinguished officials would examine the application critically, scrutinizing each point of the specification and claims carefully and vigorously. The result of this examination was that, during the first year, a majority of the applications failed to pass the ordeal, and only three patents were granted. Every step in the issuing of a patent was taken with great care and caution, Mr. Jefferson thinking always to impress upon the minds of his officers and the public that it was a matter of no ordinary importance.

The subsequent history of the office is very interesting, especially since it contains a record of Mr. Jefferson's vigorous opposition to the change effected by the act of 1793, which he held, by a promiscuous granting of exclusive privileges, would lead to the creation of monopoly in the arts and industries, and

* The foregoing paragraphs concerning the history of the Patent Office were kindly supplied by Mr. Edward Farquhar, for many years its assistant librarian.

was against the theory of a popular government, and would be pernicious in its effects.

In 1812 a building was put up for the accommodation of the office, but this was destroyed in 1836, and with it most of the records which would be necessary for a proper understanding of the early history of American invention.

In the Patent Office building, and with it destroyed, there was gathered a collection of models, which was sometimes by courtesy called the "American Museum of Art," and which afforded a precedent for the larger collection of models and natural products, which remained under the custody of the Commissioner of Patents until 1858, when it was transferred to the Smithsonian Institution, and became a part of the present National Museum.

In 1836 the patent system was reorganized, and most of the methods at present in use were put in operation. As it now stands, it is one of the most perfect and effective in the world, and the Patent Office, judged by the character of the work it performs, although, perhaps, not strictly to be classed among the scientific institutions, is, nevertheless, entitled to such a place by reason of its large and admirable corps of trained scientific experts serving on the staff of examiners.*

The administration of John Adams, beginning in 1797, was short and turbulent. Political strife prevented him from making any impression upon our scientific history; but it requires no research to discern the attitude of the man who founded the American Academy, and who drew up the articles for the encouragement of literature and science in the constitution of Massachusetts.

Jefferson, as Vice-President, taking little part in the affairs of the Administration, was at liberty to cultivate the sciences. When he came to Philadelphia to be inaugurated Vice-President, he brought with him a collection of the fossilized bones of some large quadruped, and the manuscript of a memoir upon them, which he read before the American Philosophical Society, of which he had been elected president the preceding year.

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* See Official Gazette, U. S. Patent Office, vol. xii., No. 15, Tuesday, Oct. 9, 1877; also articles in Appleton's and Johnson's Cyclopædias.

The history of the Patent Office has never been written; a full account of its work, and of its influence upon the progress of American invention is greatly to be desired.

"The spectacle of an American statesman, coming to take part as a central figure in the greatest political ceremony of our country, and bringing with him an original contribution to science, is certainly," as Luther has said, "one we shall not soon see repeated."*

In 1801 began the administration most memorable in the history of American science. The President of the United States was, during the eight years of his office, president of the American Philosophical Society as well, and was in touch with all the intellectual activities of the period. He wrote to a correspondent: "Nature intended me for the tranquil pursuits of science by rendering them my supreme delight," and to another he said: "Your first letter gives me information in the line of natural history, and the second promises political news; the first is my passion, the last is my duty, and therefore both desirable."

"At times of the fiercest party conflict," says Luther, "when less happily constituted minds would scarcely have been able to attend to the routine duties of life, we find him yielding to that subtle native force which all through life was constantly drawing him away from politics to science."

Thus during these exciting weeks in February, 1801, when Congress was vainly trying to untangle the difficulties arising from the tie vote between Jefferson and Burr, when every politician at the capital was busy with schemes and counterschemes, this man, whose political fate was balanced on a razor's edge, was corresponding with Dr. Wistar in regard to some bones of the mammoth which he had just procured from Shawangunk in New York. Again, in 1808, when the excitement over the "Embargo" was highest, and when every day brought fresh denunciations of him and his policy, he was carrying on his geological studies in the White House itself. Under his direction upward of three hundred specimens of fossil bones had been brought from the famous Big Bone Lick and spread in one of the large unfinished rooms of the Presidential mansion. Dr. Wistar was asked to come to Philadelphia and select such as were needed to complete the collection

* See Jefferson, "A Memoir on the Discovery of Certain Bones of a Quadruped, of the Clawed Kind, in the Western Part of Virginia," in the American Philosophical Transactions, IV., p. 246, (March 10, 1797); also F. B. Luther, "Jefferson as a Naturalist," in the Magazine of American History, March, 1885, pp. 379–390.

of the Philosophical Society. The exploration of the lick was made at the private expense of Jefferson through the agency of General William Clarke, the Western explorer, and this may fairly be regarded as the beginning of American governmental work in paleontology.

His scientific tendencies led to much criticism, of which the well-known lines by William Cullen Bryant, in "The Embargo," afford a very mild example.* He cast all calumny aside with the remark "that he who had nothing to conceal from the press had nothing to fear from it," and calmly went on his way. The senior members of his Cabinet were James Madison, a man of the most enlightened sympathy with science, and Gallatin, one of the earliest American philologists; while one of his strongest supporters in Congress was Samuel Latham Mitchill, a mighty promoter of scientific interests in his native State, whom Adams wittily describes as "chemist, botanist, naturalist, physician, and politician, who supported the Republican party because Jefferson was its leader, and Jefferson because he was a philosopher."

During this administration the project for a great national institution of learning was revived by Joel Barlow. In 1800, when Barlow was the American Minister in Paris, he said in a letter to Senator Baldwin:

> I have been writing a long letter to Jefferson on quite another subject. It is about learned societies, universities, public instruction, and the advantages you and I have of doing something great and good if you will take it up on proper principles. If you will put me at the head of the institution, as I propose, and give it that support which you ought to do, you can't imagine what a garden it would make of the United States. I have a great project, and only want the time and means to carry it into effect.†

M. Dupont de Nemours was also corresponding with Jefferson upon the same subject, and his work, "Sur l'Education Nationale dans les Etats Unis," published in Paris in 1800, was written at his request.‡

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* "Go, wretch, resign the Presidential chair;
Disclose thy secret measures, foul or fair.
Go, search with curious eyes for horned frogs
'Mid the wild wastes of Louisianian bogs,
Or where the Ohio rolls his turbid stream
Dig for huge bones, thy glory and thy theme."

† Todd: "Life and Letters of Joel Barlow," p. 208.

‡ Adams: "Jefferson and the University of Virginia," p. 49, *et seq.*

Barlow returned to the American States in 1805, and almost his first public act after his arrival, we are told, was to issue a prospectus in which he forcibly and eloquently depicted the necessity and advantages of a national scientific institution.

This was to consist of a central university at or near the seat of government, and, as far as might seem practicable or advisable, other universities, colleges, and schools of education, either in Washington or in other parts of the United States, together with printing presses for the use of the institution, laboratories, libraries, and apparatus for the sciences and the arts, and gardens for botany and agricultural experiments.

The institution was to encourage science by all means in its power, by correspondence, by premiums and by scholarships, and to publish school-books at cost of printing.

The Military and Naval Academies, the Mint, and the Patent Office were to be connected with the university, and there was also to be a general depository of the results of scientific research and of the discoveries by voyages and travels, actually the equivalent of a national museum.

"In short," wrote Barlow, "no rudiment of knowledge should be below its attention, no height of improvement above its ambition, no corner of an empire beyond its vigilant activity for collecting and diffusing information."*

The editor of the National Intelligencer, the organ of the administration in 1806, commented favorably upon the plan of Barlow.

> This gentleman [wrote he] whose mind has been enlarged by extensive observation, by contemplating man under almost every variety of aspect in which he appears, and whose sentiments have been characterized by an uniformly zealous devotion to liberty, has most justly embraced the opinion that the duration as well as perfection of republicanism in this country will depend upon the prevalence of correct information, itself dependent upon the education of the great body of the people. Having raised himself, as we understand, to a state of pecuniary independence, he has returned

* See text of prospectus in Appendix C to this paper, or in National Intelligencer, Washington, 1806, August 1 and November 24. The original publication, of which there is a copy in the Congressional Library, recently brought to my notice by Mr. Spofford, is a pamphlet, anonymously published, with the date of Washington, 24th January, 1806.

Prospectus | of a | National Institution, | to be | established | in the | United States | = | Washington City: | Printed by Samuel H. Smith | —— | 1806— 8°, pp. 1–44.

to his native country, with a determination of devoting his whole attention and labors to those objects which are best calculated to improve its state of society, its science, literature, and education. The disinterested exertions of such a man merit the national attention.*

Barlow's prospectus, we are told, was circulated throughout the country, and met with so favorable a response that in 1806 he drew up a bill for the incorporation of the institution, which Mr. Logan, of Philadelphia, introduced in the Senate, which passed to a second reading, was referred to a committee, which never reported, and so was lost.

Barlow's National Institution resembled more closely the House of Salomon in "The New Atlantis" of Bacon than it did the eminently practical university project of Washington. It would be interesting to know to what extent President Jefferson was in sympathy with Barlow. The mind which a few years later directed the organization of the University of Virginia could scarcely have approved all the features of the Kalorama plan. He was undoubtedly at this time anxious that a national university should be founded, as is shown by his messages to Congress in 1806 and 1808,† though it is probable that he wished it to be erected in some convenient part of Virginia, rather than in the city of Washington. The project for transplanting to America the faculty of the college of Geneva, which, but for the opposition of Washington, would probably have been attempted in 1794, had reference rather to the formation of a State university, national in influence, than to a central Federal institution.‡

Although Barlow's plan was, in its details, much too elaborate for the times, the fundamental ideas were exceedingly attractive, and led to very important and far-reaching results.

Barlow expected, of course, that his institution should be established and maintained at Government cost. This was soon found to be impracticable, and those who were interested in the intellectual advancement of the capital soon had recourse to the idea of beginning the work at private expense, relying upon Government aid for its future advancement.

Barlow's classmate, Josiah Meigs, his friend and neighbor Thomas Law, aided by Edward Cutbush, Judge Cranch, and

* National Intelligencer, Nov. 24, 1806.

† Henry Adams, "History of the United States," 1805–1809, i., 346, 347; ii., 365.

‡ Adams, *op. cit.*, pp. 45–6.

other citizens of Washington proceeded, forthwith, to attempt that which the politicians dared not.

The essential features of Barlow's plan were:

(1) The advancement of knowledge by associations of scientific men; and

(2) The dissemination of its rudiments by the instruction of youth.*

To meet the first of these requirements they organized the Columbian Institute for the promotion of Arts and Sciences, in 1819; and for the second, the Columbian College, incorporated in 1821. Most of the prominent members of the Columbian Institute were also among the friends and supporters of the college. Dr. Josiah Meigs, the friend and classmate of Barlow, the president of the institute from 1819 to 1821, was an incorporator, and a member of the first faculty of the college.†

Dr. Edward Cutbush, the founder of the Columbian Institute, was also a professor, as well as Dr. Thomas Sewall, Dr. Alexander McWilliams, and Judge William Cranch, and in publications made at the time these men distinctly proposed to realize the aspirations of Washington, for the creation of a great National University at the seat of the Federal Government. It was in this cause President Monroe gave to the Columbian College his public support as President of the United States. At a later day, when an hour of need overtook the college, John Quincy Adams became one of its saving benefactors.‡

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* "The Old Bachelor," by William Wirt, p. 186.

† I am indebted to Dr. James C. Welling, President of the Columbian University, for much important information concerning this and other matters discussed in the present paper.

‡ James C. Welling: "The Columbian University," Washington, 1889, p. 1. The following letter written by President Monroe in 1821, indicates that the public men of the day were not unwilling that the institution should be regarded as one of national scope:

WASHINGTON, *March* 28, 1821.

SIR: I avail myself of this mode of assuring you of my earnest desire that the college which was incorporated by an Act of Congress at the last session, by the title of "The Columbian College in the District of Columbia" may accomplish all the useful purposes for which it was established; and I add, with great satisfaction, that there is good reason to believe that the hopes of those who have so patriotically contributed to advance it to its present stage will not be disappointed.

Its commencement will be under circumstances very favorable to its success. The act of incorporation is well digested, looks to the proper objects, and grants the powers well adapted to their attainment. The establish-

The donation of $25,000 made to the Columbian College in 1832 was preceded by a report from the Committee in House of Representatives on District of Columbia.

That report may be found in "Reports of Committees, first session Twenty-second Congress (1831-'32,)" vol. III., Report No. 334.

After reciting the early history of the college the report proceeds as follows:

"Few institutions present as strong claims to the patronage of Government as that in behalf of which the forementioned memorial has been presented. (The Report is made in answer to a memorial of the president and trustees of the college, asking Congress to make a donation to the college 'from the sale of public lots or from such other source as Congress may think proper to direct.') Its location near the seat of Government, its salubrious middle climate, and other advantages, and the commendable efforts of the present trustees and professors to sustain it, justly entitle it to public beneficence."

The Columbian Institute was granted the use of rooms in the Capitol building under the present Congressional Library Hall, which became a center of the scientific and literary interests of Washington, and its annual meetings were held in the hall of the House of Representatives, where Southard, Clay, Everett, Meigs, and Adams, delivered addresses upon matters of science and political economy to large assemblages of public men. In 1819, Josiah Meigs, its president, writing to Dr. Daniel Drake, of Cincinnati, said:

I have little doubt that this Congress will, before they rise, give the institute a few acres of ground for our building and for a Botanic Garden. Mr. Barlow made great efforts to obtain this object eight or ten years ago. He could do nothing—but prejudices which then were of the density of a thunder-cloud are now as tenuous as the tail of a comet. *

"The supreme legislative power of the United States over persons and property within the District of Columbia is unquestioned. Congress has

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ment of the institution within the Federal District in the presence of Congress, and of all the departments of the Government will secure to the young men who may be educated in it many important advantages, among which the opportunity which it will afford them of hearing the debates in Congress and in the Supreme Court, on important subjects, must be obvious to all.

With these peculiar advantages, this institution, if it receives hereafter the proper encouragement, can not fail to be eminently useful to the nation. Under this impression, I trust that such encouragement will not be withheld from it.

I am, sir, with great respect, your very obedient servant,

JAMES MONROE.

* "Life of Josiah Meigs," p. 102.

repeatedly made grants of portions of the public lands to seminaries of learning situated within the limits of States and Territories where such lands lie. The Constitution having thus confided to the care of the National Legislature the rights and interests of the District of Columbia, and Congress having made liberal donations out of the national domain to promote the great cause of education, in all the other districts within which the General Government has exclusive jurisdiction, it would seem to be cruel injustice to refuse the small boon now recommended. These considerations induce the hope that the proposed donation will be exempt from all opposition not founded in doubts of the just claim to patronage of the institution for the benefit of which it is designed. And these claims, it is fully believed, will stand the test of the severest scrutiny."

The report from which the above extracts are taken was made February 27, 1832 (to accompany House Bill, No. 422), by Mr. Thomas, of Maryland, (on behalf of the committee on the District of Columbia), in answer to memorial of the trustees and the president of the Columbian College.

On the ground granted by Congress, a botanical garden was established by the society, in 1822, or 1823, with the co-operation of the State Department and the consular service. In 1829 the society applied to Congress for pecuniary aid, which was not granted.*

The Columbian University was also an applicant for government aid, which it received to the amount of $25,000 in 1832, on the ground that it was an institution of national importance, organized by private individuals to do work legitimately within the domain of governmental responsibilities.†

* The original members of the Columbian Institute were: Hon. John Quincy Adams; Col. George Bomford, U. S. A.; Dr. John A. Brereton, U. S. A.; Dr. Edward Cutbush, U. S. N.; Asbury Dickins, esq.; Joseph Gales, jr., esq.; Dr. Henry Huntt; Thomas Law, esq.; Edmund Law, esq.; Dr. George W. May; Alexander McWilliams, esq.; William Winston Seaton, esq.; Samuel H. Smith, esq.; William Thornton, esq.; Hon. Roger C. Weightman.

Among the later members were Dr. Joseph Lovell, U. S. A.; Col. Isaac Roberdeau; Dr. Thomas Sewell; Judge William Cranch; Hon. Henry Clay; Hon. John McLean; Hon. Richard Rush; Hon. S. L. Southard; Hon. William Wirt; Dr. W. S. W. Ruschenberger, U. S. N.; Hon. J. M. Berrien; Hon. J. C. Calhoun; Rev. Obadiah Brown; and Rev. William Staughton.

The minutes of the Columbian Institute are not to be found. The treasurer's book is in the National Museum.

† This appropriation was made on the strength of a report by Senator Barbour, of Virginia, chairman of the Committee on the District of Columbia, in which, after alluding to the long recognized "utility of a central literary establishment" and to the failures of the recommendations of Washington and Madison, he gave a brief history of the enterprise, which was as follows:

"At length a few enterprising and patriotic individuals attempted to

The Columbian College received nearly one-third of its original endowment from the Government of the United States. Of the remainder perhaps one-half was contributed by men like President Adams, whose sole interest in it was a patriotic one.

During Jackson's presidency all ideas of centralization, even in scientific matters, appear to have fallen into disfavor, and the Columbian Institute and the Columbian College were forced to abandon their hopes for governmental aid. The institute languished and dropped out of existence, while the college, under the fostering care of a church organization (which finally dropped it in 1846), and through the beneficence of individuals, one of whom, a citizen of Washington, gave it property to the value of $200,000, has grown to be a university in name and scope, and is included among the thirteen "foundations comprising groups of related faculties, colleges, or schools," enu-

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achieve by voluntary donations that which it had been supposed could be effected only by the power of Congress.

"Their efforts were crowned with distinguished success. One individual in particular, the Rev. Luther Rice, with an unwearied industry and an unyielding perseverance which prompted him to traverse every part of the Union in pursuit of aid to this beneficent object, contributed principally to that success.

"The funds thus acquired were faithfully and judiciously applied to this object * * * Application was made to Congress for an act of incorporation, which passed February 9, 1821. This, however, was all the aid which Congress dispensed.

"The accompanying document shows that there have been expended in this institution $80,000, of which only $50,000 have been procured; and as a consequence the institution is embarrassed by a debt to the amount of $30,000. * * * Under the circumstances the individuals who have thus generously devoted themselves to the promotion of this establishment, and who have disinterestedly pledged their independence upon the success of the college, present themselves to Congress with a view to obtain their protection by a pecuniary grant. * * *

"The committee in reviewing the peculiar circumstances which characterize the origin of this establishment, its progress, and the great benefits it promises to society, are of the opinion that the application is reasonable. It can not be doubted that had such an establishment grown up, under similar circumstances in either of the States it would receive the helping hand of its legislature. Congress stands in the same relation to this establishment, from its exclusive power of legislation within the District, etc."

Report of Mr. Barbour from the Committee on the District of Columbia to whom was referred the memorial of the trustees of the Columbian College.—April 19, 1824.—Senate.—Eighteenth Congress, first session (67). 80–83 pp.

merated in the report of the Commissioner of Education for 1886–'87.

Although it has not since 1832 made any claims for government aid, nor assumed to be in any way a ward of the nation, its early history is significant, on account of its connection with the project for a National University, which has been for more than a century before the people. The Government has since established in Washington City the National Deaf-Mute College, which it still maintains, and the Howard University, intended primarily for the freedman, but open to all.

The founders of the Columbian Institute and the Columbian University were building better than they knew, for they were not only advancing knowledge in their own day and generation, but they were educating public opinion for a great opportunity, which soon came in the form of a gift to the nation from beyond the sea, in the form of the Smithson bequest.

The story of the Smithsonian Institution is a remarkable one. Smithson was a graduate of the University of Oxford, a Fellow of the Royal Society, a chemist and mineralogist of well recognized position. The friend and associate of many of the leading scientific men of England, he found it advisable, for reasons connected with his family history, to pass most of his life upon the Continent. A man of ample fortune, he associated with men of similar tastes, and died in 1829, leaving in trust to the United States property now amounting in value to nearly three quarters of a million of dollars, to establish at the national capital "an institution for the increase and diffusion of knowledge among men." No one has been able to explain why he did this. He had, so far as we know, no friend or correspondent in the United States, and had made known to no one his intention of establishing an institution of learning in the New World.*

It is more than probable, however, that he knew Barlow when American Minister in Paris, and that the Prospectus of the National Institution, or the treatise by Dupont de Nemours,

* The only suggestion which has ever been offered is that by Mr. W. J. Rhees, in his history of "James Smithson and his Bequest," in which he calls attention to the fact that in the library of Smithson was a copy of "Travels through North America," published in 1807, by Isaac Weld, Secretary of the Royal Society, in which he describes the city of Washington, and refers to it prophetically as likely some time to become the intellectual and political center of one of the greatest nations of the world.

may have attracted his attention. He was aware of the failure of the attempts to obtain national support at the start for scientific uses, and conceived the idea of founding, with his own means, an organization which should, he foresaw, grow into national importance. Any one who will take the pains to compare the criticisms and objections to Barlow's project, as set forth in Wirt's essay in "The Old Bachelor,"* with those which were urged in Congress and the public press in opposition to the acceptance of the Smithson bequest thirty years later, can not fail to be greatly impressed by the similarity of tone and argument.

The Smithsonian Institution, with its dependencies and affiliations, corresponds perhaps more closely at the present time to Barlow's "National Institution" than any organization existing elsewhere in the world. The names of its three secretaries—Henry, the physicist (in office from 1846 to 1878); Baird, the naturalist (assistant secretary from 1850 to 1878, secretary, 1878–'87); and Langley, the astronomer, suggest in a few words the main features of its history.

Recurring to Jefferson's Presidency, it should be noted that its most important scientific features were the inception of the system of scientific surveys of the public domain, and the organization of the Coast Survey. The first was most peculiarly Jefferson's own, and was the outcome of more than twenty years of earnest endeavor.

The apathy of the British government in colonial times in the matter of explorations of the American continent is inexplicable. Halley, the philosopher and mathematician, was in charge of a fruitless expedition in 1699; and Ellis, in 1746, explored Hudson's Bay under government auspices, searching for a northwest passage.

The first inland exploring expedition under government auspices seems to have been that of Governor Spotswood, of Virginia, who in 1724, accompanied by a party of young colonists, made an excursion to the summit of the Blue Ridge for the purpose of ascertaining what lay beyond.

Nothing else was done in colonial days, although it would appear that Jefferson, and doubtless others as well as he, had in mind the importance of exploring the great northwest. In

* The Old Bachelor, Baltimore: F. Lucas, jun. small 8°, pp. 1–235 page 171.

the recently published life of Matthew Fontaine Maury, the story is told of his grandfather, the Rev. James Maury, an Episcopal clergyman and instructor of youth, in Walker Parish, Albemarle county, Va., who numbered among his pupils three boys who afterward became Presidents of the United States, and five signers of the Declaration of Independence. He was a quiet thinker—a serene old man who gave the week to contemplative thought and to his school, and Sunday to the service of the sanctuary. In 1756 he was already dazzled by the rising glory of the new country. He was intensely interested in the great Northwest. The Missouri was a myth at that time. Cox had ascended the Mississippi to the falls of St. Anthony, and reported the existence of such a stream, but all beyond was shrouded in mystery.

"But see," said the aged clergyman, pointing with trembling finger and eager eye to the map of the North American continent—"see, there must be a large river in that direction; mountains are there, and beyond them there must be a stream to correspond with the vast river on this side of the chain"; and by a process of reasoning based on physical geography, he pointed out to his pupils (Thomas Jefferson among them), the existence of the line of the river as accurately as Le Verrier did the place of Neptune in the firmament, and predicted that a great highway to the West would some day be opened in this direction.*

It would appear that Jefferson never forgot the suggestion of his venerable teacher. While Minister of the United States in Paris in 1785, he became acquainted with John Ledyard, of Connecticut, a man of genius, of some science, and of fearless courage and enterprise, who had accompanied Captain Cook on his voyage to the Pacific. "I suggested to him," writes Jefferson, "the enterprise of exploring the western part of our continent by passing through St. Petersburg to Kamtchatka, and procuring a passage thence in some of the Russian vessels to Nootka Sound, whence he might make his way across the continent to the United States. He proceeded to within 200 miles of Kamchatka, and was there obliged to take up his winter quarters, and when preparing in the spring to resume his journey, he was arrested by an officer of the Empress of Russia, and carried back in a close carriage to Poland. "Thus," says Jefferson, "failed the first attempt to explore the western part of our northern continent."

* "Life of Matthew Fontaine Maury," by Mrs. D. F. M. Corbin, London, 1888, p. 6.

In a letter to Bishop Madison, dated Paris, July 19, 1788, Jefferson tells the story of Ledyard's failure, and of his departure on an expedition up the Nile. "He promises me," continues Jefferson, "if he escapes through his journey, he will go to Kentucky and endeavor to penetrate westerly to the South Sea." Ledyard died in Africa.

The proposed expedition of Ledyard, though undertaken at the instance of the American Minister in Paris, can scarcely be regarded as a governmental effort. It is of interest, however, as leading up to the second attempt, which also was inspired and placed on foot by Jefferson.

"In 1792," writes Jefferson, "I proposed to the American Philosophical Society, that we should set on foot a subscription to engage some competent person to explore those regions in the opposite direction, that is by ascending the Missouri, crossing the Stony Mountains, and descending the nearest river to the Pacific.*

"Captain Meriwether Lewis being then stationed at Charlottesville on the recruiting service, warmly solicited me to obtain for him the execution of that object. I told him that it was proposed that the person engaged should be attended by a single companion only, to avoid exciting alarm among the Indians. This did not deter him; but Mr. André Michaux, a professed botanist, author of the 'Flora Boreali-Americana,' and of the 'Histoire des Chênes de l'Amérique,' offering his services, they were accepted. He received his instructions, and when he had reached Kentucky in the prosecution of his journey, he was overtaken by an order from the Minister of France, then at Philadelphia, to relinquish the expedition, and to pursue elsewhere the botanical inquiries on which he was employed by the government, and thus failed the second attempt to explore that region." †

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* Jefferson does not mention in this connection the well-known fact that he himself became personally responsible for raising the sum of 1,000 guineas from private sources, to secure the sending out of this expedition.

† The late Dr. Asa Gray, in a letter written to me shortly before his death, remarks: "I have reason to think that Michaux suggested to Jefferson the expedition which the latter was active in sending over to the Pacific. I wonder if he put off Michaux for the sake of having it in American hands."

I think it is sufficiently evident from what has been written, that the project had been considered by Jefferson long before Michaux came into America. A statement parallel to that of Jefferson is found in the brief biography of Michaux prefixed by Prof. C. S. Sargent, to his reprint of the

It is related by Jefferson, in his "memoranda of conversations," that Judge Breckenridge, of Kentucky, told him in 1800, that Michaux was not only a botanical agent of the French, but a political emissary, and that he held a commission

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Journal of Andre Michaux, published in the "Proceedings of the American Philosophical Society," vol. XXVI, No. 129, page 4: "The French Government was anxious in 1785 to introduce into the Royal plantations the most valuable trees of eastern North America, and Michaux was selected for this undertaking. He was instructed to explore the territory of the United States, to gather seeds of trees, shrubs, and other plants, and to establish a nursery near New York for their reception, and afterwards to send them to France, where they were to be planted in the park of Rambouillet. He was directed also to send game-birds from America, with a view to their introduction into the plantations of American trees. Michaux, accompanied by his son, then fifteen years old, arrived in New York in October, 1785. Here during two years he made his principal residence, establishing a nursery, of which all trace has now disappeared, and making a number of short, botanical journeys into New Jersey, Pennsylvania, and Maryland. The fruits of these preliminary explorations, including 12 boxes of seeds, 5,000 seedling trees, and a number of live partridges were sent to Paris at the end of the first year.

"Michaux's first visit to South Carolina was made in September, 1787. He found Charleston a more suitable place for his nurseries, and made that city his headquarters during the rest of his stay in America.

"Michaux's journeys in this country after his establishment in Charleston are detailed in the journal (printed in the place already referred to). They cover the territory of North America from Hudson's Bay to the Indian River of Florida, and from the Bahama Islands to the banks of the Mississippi River. His ambition to carry out his instructions was equaled only by his courage and industry. The history of botanical explorations accords no greater display of fortitude and enthusiasm in pursuit of knowledge than Michaux showed in his journey to the headwaters of the Savannah River in December, 1788, when his zeal was rewarded by the discovery of *Shortia* on the return from his visit to Hudson's Bay. The hardship of his last journey even did not satisfy his craving for adventure and discovery, and shortly after his return he laid before the American Philosophical Society a proposition to explore the unknown region which lay beyond the Missouri. His proposition was well received. The sum of $5,000 was raised by subscription to meet the expenses of the journey, all arrangements were made, and he was about ready to start when he was called upon by the Minister of the French Republic, lately arrived in New York, to proceed to Kentucky to execute some business growing out of the relations between France and Spain with regard to the transfer of Louisiana."

"It was this suggestion of Michaux, no doubt," says Sargent in concluding this reference, "which led Mr. Jefferson, who had regarded him with great favor, to send a few years later the first trans-continental expedition to the shores of the Pacific." Professor Sargent, like Dr. Gray, has evidently not been in possession of the history of Jefferson's early interest in this matter.

as commissary for an expedition against the Spaniards, planned by Genet, in connection with a plot to gain possession of the eastern Mississippi Valley for France.*

"In 1803," continues Jefferson, "the act of establishing trading houses with the Indian tribes being about to expire, some modifications of it were recommended to Congress by a confidential message of January 18, and an extension of its views to the Indians on the Missouri. In order to prepare the way, the message proposed sending an exploring party to trace the Missouri to its source, to cross the highlands, and follow the best water communication which offered itself from thence to the Pacific Ocean. Congress approved the proposition and voted a sum of money for carrying it into execution. Captain Lewis, who had then been near two years with me as private secretary, immediately renewed his solicitation to have the direction of the party."

In his life of Lewis, prefixed to the history of the expedition, Jefferson gives in full an account of Lewis's preparation for the expedition, including his instruction in astronomical observation by Andrew Ellicott, and also a full text of the instructions, signed by him, addressed to Lewis and his associate, Capt. William Clarke. Captain Lewis left Washington on the 5th of July, 1803, and proceeded to Pittsburgh. Delays of preparation, difficulties of navigation down the Ohio, and other obstructions retarded his arrival at Cahoki until the season was so far advanced that he was obliged to wait until the ice should break up in the beginning of spring. His mission accomplished, he returned to St. Louis on the 23d of September, 1806.

"Never," says Jefferson, "did a similar event excite more joy through the United States. The humblest of its citizens had taken a lively interest in the issue of the journey, and looked forward with impatience for the information it would furnish. The anxiety, too, for the safety of the corps had been kept in a state of excitement by lugubrious rumors circulated from time to time on uncertain authorities, and uncontradicted by letters or other direct information; from the time they had left the Mandan towns on their ascent up the river, in April of the preceding year, 1805, until their actual return to St. Louis."

The second expedition towards the West was also sent out during Jefferson's administration, being that under the com-

* "Jefferson's Writings," ed. T. J. Randolph, iv., pp. 513, 514.

mand of General Zebulon M. Pike, who was sent to explore the sources of the Mississippi River and the western parts of "Louisiana," continuing as far west as Pike's Peak, the name of which still remains as a memorial of this enterprise.*

The expedition of Lewis and Clarke was followed, in due course and in rapid succession, by others, some geographical, some geological, some for special researches, and some more comprehensive in character.

To those who are in the least degree familiar with the history of American exploration, the names of Long, Cass and Schoolcraft, Bonneville, Nicollet, Fremont, Sitgreaves, Wizlizenus, Foster and Whitney, Owen, Stansbury, Abert, Marcy, Stevens, Gunnison, Beckwith, Whipple, Williamson, Parke, Pope, Emory, Bartlett, Bryan, Magraw, Johnston, Campbell, Warren, Twining, Ives, Beale, Simpson, Lander, McClellan, Mullan, Raynolds, Heap, Jones, Ruffner, Ludlow, Maguire, Macomb, and Stone will bring up the memory of much adventurous exploration and a vast amount of good scientific work; while to mention Hayden, Wheeler, King, and Powell is to leave the field of history and to call up the early stages of the development of that magnificent organization, the United States Geological Survey, which is still in the beginning of its career of usefulness.†

The history of the Coast Survey began with the earliest years of the century. It has been thought by some that the idea originated with Albert Gallatin, and by others that it was due to Prof. Robert Patterson,‡ while Hassler, whose

* It is a matter of history that Alexander Wilson, the ornithologist, was anxious to be appointed the naturalist of Pike's expedition, and Jefferson has been warmly abused for not gratifying his desire. It should be borne in mind that at this time Wilson was a man whose reputation had not yet been achieved and also that it is quite possible that in those days, as in the present, the projectors of such enterprises were often hindered by lack of financial opportunity.

† The U. S. Geological Survey was organized March 3, 1879, and Clarence King was appointed its first director. Major J. W. Powell, his successor, was appointed March 18, 1881.

‡ The committee of twenty, appointed in 1857 by the American Association for the Advancement of Science, to report upon the history and progress of the Coast Survey, made the following statement:

"It is believed that the honor of first suggesting a geodetic survey of the American coast, is due to the elder Professor Patterson, of Philadelphia, who, as early as the year 1806, availed himself of his intimacy with the President, Mr. Jefferson, and the gentlemen who formed his Cabinet, to im-

name is so intimately associated with its early history, seems to have supposed that it was suggested by his own advent, in 1805, bringing with him from Switzerland a collection of mathematical books and instruments.*

Passing by the question as to who was the originator of the idea, with the simple remark that it is doubtful whether such an enterprise should not have for long years been in the minds of many Americans, it may be said that, without doubt, the early organization of the survey was due to the scientific wisdom and political foresight of Jefferson, who realized that within a few years the country would be involved in a war with Great Britain, and that a thorough knowledge of the coast was essential not only to the prosperity of the nation in time of peace, but still more to its safety in case of invasion. At that time the only charts available for our mariners were those in "The Atlantic Neptune" of Colonel Des Barres, and the old hydrographic charts issued by the Dutch, French, and English governments. Jefferson realized that American seamen were less

press them with the feasibility and quality of the measure."—"Report on the History and Progress of the American Coast Survey up to the Year 1858, by the Committee of Twenty, Appointed by the Association for the Advancement of Science, at the Montreal Meeting, August, 1857" (pp. 1–88), p. 18.

* "I arrived in this country in October, 1805, having relinquished my public station in my native country, Switzerland, foreseeing the turn of political events which have since come to pass, and from a taste for a rural life with completely different views and means quite sufficient for them, but which I have failed to claim. Having arrived in Philadelphia, the late Professor Patterson, Mr. Garnet, of New Brunswick, and several other gentlemen, on seeing the books, mathematical instruments, etc., I had brought with me for my private enjoyment, were so kind as to show me some attention. I had occasion to show them, in conversation, by the scientific publications of Europe, that I had been engaged in an extensive survey of Switzerland, which was interrupted by the revolution. Professor Patterson sent to President Jefferson an account of my former life, which I furnished at his request; and Mr. Clay, the representative to Congress from Philadelphia, before setting off for Congress, in 1806, asked me if I should be willing to take a survey of the coast, to which I assented." (Letter published in the New York American, probably in February, 1827. Principal Documents Relating to the Survey of the Coast of the United States since 1816, published by F. R. Hassler, Superintendent of the Survey. New York, William Van Norton, printer, 1834. Octavo, pp. 1–180, I–III: folding map. Second Volume of the Principal Documents Relating to the Survey of the Coast of the United States, from October, 1834, to November, 1835. Published by F. R. Hassler, Superintendent of the Survey. New York, William Van Norton, printer, 1835. Octavo, pp. 1–156, I–III (1).)

familiar with many portions of their own coast than were the European navigators, and he appreciated fully the importance of having a knowledge of this kind far more accurate than that which was possessed by any foreigner. "With the clear and bold perception which always distinguishes men of genius when they are trusted in times of danger with the destiny of nations, the President recommended the survey of the home coast with all the aid of the more recent discoveries in science;" and in his annual message to Congress, in the year 1807, proposed the establishment of a national survey, for the purpose of making a complete chart of the coast with the adjacent shoals and soundings.

In response to this recommendation, Congress made an appropriation of $50,000 for the purpose of carrying out the provision of the following law:

AN ACT TO PROVIDE FOR SURVEYING THE COAST OF THE UNITED STATES.

Be it enacted, etc., That the President of the United States shall be, and he is hereby, authorized and requested to cause a survey to be taken of the coast of the United States, in which shall be designated the islands and shoals, in the roads or places of anchorage, within 20 leagues of any part of the shores of the United States; and also their respective courses and distances between the principal capes, or head lands, together with such other matters as he may deem proper for completing an accurate chart of every part of the coast within the extent aforesaid. (Act of February 10, 1807.)

By the direction of the President, Albert Gallatin, Secretary of the Treasury, addressed a circular letter to American men of science, requesting their opinion as to the character of the plan to be adopted.

In the circular of the Secretary of the Treasury, the work to be performed was defined as consisting of three distinct parts, as follows:

(1) The ascertainment by a series of astronomical observations of the position of a few remarkable points on the coast, and some of the lighthouses placed on the principal capes, or at the entrance of the principal harbors, appear to be the most eligible places for that purpose as being objects particularly interesting to navigators, visible at a great distance, and generally erected on spots on which similar buildings will be continued so long as navigation exists.

(2) A trigonometrical survey of the coast between these points of which the position shall have been astronomically ascertained; in the execution of which survey, the position of every distinguishable permanent object should be carefully designated; and temporary beacons be erected at proper dis-

tances on those parts of the coast on which such objects are really to be found.

(3) A nautical survey of the shoals and soundings of the coast of which the trigonometrical survey of the coast itself and the ascertained position of the light-houses, and other distinguishable objects, would be the basis; and which would therefore depend but little on any astronomical observations made on board the vessels employed on the part of the work.

This circular letter was submitted to thirteen scientific men, and in response thirteen plans were received at the Treasury Department. A commission, composed of the experts from whom answers had been received, was formed. They met at Professor Patterson's, in Philadelphia, and the plan which they finally selected was then proposed by Ferdinand Rodolph Hassler, at that time, and for several years thereafter, Professor in the Military Academy at West Point.

Nothing was done to secure definitely the execution of this plan until 1811, when Hassler was sent to Europe to procure the necessary instruments and standards of measure for the proposed work. He was detained as an alien in London during the entire war with England, and until 1815, when he returned to the United States, having, as a matter of course, far exceeded the limits of his appropriation, with a large claim against the government for indemnification.*

I have been unable to ascertain the exact date of the appointment of Hassler, as the Superintendent of the Coast Survey, although it was thoroughly understood at the time of the acceptance of his plan in 1807, that it was to be carried out under his direction.

It was not until August, 1816, that the contract was signed with the Government which authorized Hassler to proceed with

*An interesting reminiscence of his career in this period is contained in the diary of John Quincy Adams for July, 1815, where there is described an interview by himself, with Mr. Gallatin, at that time United States Minister in London, in which the latter spoke of Hassler, who had just left them.

"That is a man of great ability. He was sent by the Government to England, to procure the instruments for the general survey of our coast, but he has outrun his time and his funds, and his instruments cost £800 sterling more than was appropriated for them; and he is embarrassed now about getting back to America. I have engaged the Messrs. Baring to advance the money for the instruments, and he is to go for his own expenses upon his own credit. He has procured an excellent set of instruments."—Adams's "Memoirs," III., p. 248.

The circulars elicited by Hassler's plan are printed in the Transactions of the American Philosophical Society for 1812, vol. II.

his work. In 1817 a beginning was made in the bay and harbor of New York, but Congress failed to provide for its continuance, and it was soon suspended, and in 1818, before the superintendent had the opportunity to publish a report upon the results of his last year's labor, Congress, on the plea "that the little progress hitherto made in the work had caused general dissatisfaction," ordered its discontinuance by repealing the law under which the superintendent had been appointed, and providing that no one should be employed in the survey of the coast except officers of the Army and Navy. This was practically a discontinuance of the work, because there was no one in America but Hassler who was capable of directing it.

Immediately after being thus legislated out of office, he was appointed one of the astronomers to represent the United States in the settlement of the Canadian boundary.

From 1819 to 1832, attempts were made at various times by the Navy Department to survey several portions of the coast. A few detached surveys were made, but no general systematic work was attempted, and the result was not on the whole creditable. In 1828 the Hon. S. L. Southard of New Jersey, at that time Secretary of the Navy, in response to resolutions of inquiry from the House of Representatives, admitted that the charts produced by the Navy were unreliable and unnecessarily expensive, and declaring also that the plan which had been employed was desultory and unproductive, recommended that the provisions of the law of 1807 should be resumed.

In 1832, Congress passed an act reorganizing the surveys on the old plan.

AN ACT TO CARRY INTO EFFECT THE ACT TO PROVIDE FOR A SURVEY OF THE COAST OF THE UNITED STATES.

Be it enacted, etc., that for carrying into effect the act entitled, "An act to provide for surveying the coast of the United States," approved on the tenth day of February, eighteen hundred and seven, there shall be, and hereby is, appropriated a sum not exceeding twenty thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated; and the said act is hereby revised, and shall be to provide for the survey of the coast of Florida, in the same manner as if the same had been named direct.

SEC. 2. That the President of the United States be, and he is hereby, authorized, in and about the execution of the said act, to use all maps, charts, instruments, and apparatus which now, or hereafter may, belong to the United States, and employ all persons of the land and naval service of the United States, such as astronomers, and other persons as he shall think proper.

Hassler was now again appointed superintendent of the Coast Survey, and held his position until his death in 1843, the work for a short time, at first, being assigned to the Treasury Department, and in 1834 transferred to the Navy Department, and in 1836 again re-transferred to the Treasury, where it has since remained, its status being finally definitely settled by act of Congress passed in 1843, shortly before the appointment of Alexander Dallas Bache, as the successor of the first superintendent of the survey.

At the time of Hassler's death the survey had been extended from New York, where it was begun, eastward to Point Judith, and southward to Cape Henlopen.

It should be mentioned that in 1825, during the period of the suspension of activity, Hassler presented to the American Philosophical Society a memoir on the subject of the survey, which contained a full account of the plan, which he had adopted, a description of his instruments, and a history of what had been accomplished up to 1817. "This memoir," wrote Professor Henry in 1845, "was received with much favor by competent judges abroad, and the commendation bestowed upon it was of no little importance in the wakening of sentiments of national pride, which had considerable influence in assisting the passage of the act authorizing the renewal of the survey in 1832."

With the appointment of Bache as superintendent in 1843, the survey entered upon a new period of prosperity, the discussion of which is not within the province of this paper, and it seems appropriate to close this notice of the origin and early history of the organization by quoting from the first report of his successor an estimate of the value of Hassler's services.

"The Coast Survey," wrote Bache, "owes its present form and perhaps its existence to the zeal and scientific activity of the late superintendent, who devoted the energy of his life to it; and who, but for its interruption at a period when he was in the prime of manhood, and its suspension for nearly fifteen years, might have seen its completion. The difficult task of creating resources of practical science for carrying on such a work upon a suitable scale, required no common zeal and perseverance for its accomplishment, especially at a time when our country was far from having attained its present position of scientific acquirement, and when public opinion was hardly sufficiently enlightened to see the full advantage of clearness

in executing the work. For his successful struggle against great difficulties his adopted country will do honor to his memory as pioneer of a useful national undertaking."*

The history of the Coast Survey under the successive superintendentships of Bache [1843–1867], Peirce [1867–1874], Patterson [1874–1881], and Hilgard [1881–1887], would make a volume in itself. Under its present director, Professor Mendenhall, it is growing into renewed vigor and efficiency.

The Coast Survey was the last of the great scientific enterprises begun in Jefferson's administration. If the "Sage of Monticello" were now living, what delight he would feel in the manifold scientific activities of the nation. The enlightened policy of our Government in regard to scientific and educational institutions, is doubtless to a considerable degree due to his abiding influence.

"Nowhere in all the long course of Mr. Jefferson's great career," writes Henry Adams, "did he appear to better advantage than when, in his message of 1806, he held out to the country and the world that view of his ultimate hopes and aspirations for national development, which was, as he then trusted, to be his last bequest to mankind. Having now reached the moment when he must formally announce to Congress that the great end of relieving the nation from debt was at length within reach, and with it the duty of establishing true republican government was fulfilled, he paused to ask what use was to be made of the splendid future thus displayed before them. Should they do away with the taxes? Should they apply them to the building up of armies and navies? Both relief from taxation and the means of defense might be sufficiently obtained without exhausting their resources, and still the great interests of humanity might be secured. These great interests were economical and moral; to supply the one, a system of internal improvement should be created commensurate with the magnitude of the country; 'by these operations new channels of communication will be opened between the States, the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties.' To provide for the other, the higher education should be placed among the objects of public care; 'a public institution can alone supply those sciences which, though

*Report of Alexander Dallas Bache, Superintendent of the Coast Survey.

rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country and some of them to its preservation.' A national university and a national system of internal improvement were an essential part, and indeed the realization and fruit of the republican theories which Mr. Jefferson and his associates put in practice as their ideal of government."*

Madison's administration, which began in 1809, though friendly to science, was not characterized by any remarkable advances (except that the Coast Survey was actually organized for work under Hassler, after his return from Europe in 1816). The war of 1812 and the unsettled state of public affairs were not propitious to the growth of learned institutions.

Monroe became chief magistrate in 1817. He, like Madison, was a friend and follower of Jefferson, and in the atmosphere of national prosperity scientific work began to prosper, and there was a great accession of popular interest, and State geological surveys began to come into existence. Schoolcraft and Long led government expeditions into the West; the American Geological Society and the American Journal of Science were founded.

The city of Washington began to have intellectual interests, and public-spirited men organized the Columbian Institute and the Columbian University.

Monroe was not actually acquainted with science, but was

* Adam's "Life of Gallatin," pp. 349, 350. Henry Adams in this admirable biography has shown that Gallatin was one of Jefferson's strongest supporters in plans for the public enlightenment, and that he had an ambition of his own for the education of all citizens, without dis inction of classes.

"I had another favorite object in view," Gallatin writes, "in which I have failed. My wish was to devote what may remain of life to the establishment in this immense and fast-growing city (New York), of a general system of rational and practical education fitted for all and gratuitously opened to all. For it appeared to me impossible to preserve our democratic institutions and the right of universal suffrage unless we could raise the standard of general education and the mind of the laboring classes nearer to a level with those born under favorable circumstances. I became accordingly the president of the council of a new university, originally established on the most liberal principles. But finding that the object was no longer the same, and that their object, though laudable, was special and quite distinct from mine, I resigned at the end of one year rather than to struggle, probably in vain, for what was near unattainable."—*Op. cit.*, p. 648.

in hearty sympathy with it. When he visited New York, in 1817, he visited the New York Institution, and was received as an honorary member of the Literary and Philosophical Society, and in his reply to the address of Governor Clinton, its president, he remarked that "the honor, glory, and prosperity of the country were intimately connected with its literature and science, and that the promotion of knowledge would always be an object of his attention and solicitude."

The most important new enterprise was in the direction of organizing a national meteorological service.

The first move was made by Josiah Meigs, who was in 1814 appointed Commissioner of the General Land Office. With the exception of Franklin,* he was perhaps the earliest scientific meteorologist in America, having, while living in the Bermudas from 1789 to 1794, made a series of observations which he communicated to the Royal Society.†

In 1817, or before he began to advocate Congressional action for the establishment of meteorological registers in connection with the Land Office, writing to Dr. Daniel Drake in 1817, he said:

> If my plan be adopted, and the registers be furnished with the requisite instruments for temperature, pressure, rain, wind, etc., * * * we may, in the course of a year, know more than we shall be able to know on any other plan. (Page 82.)
>
> Without some system of this kind our country may be occupied for ages, and we the people of the United States be as ignorant on this subject as the *Kickapoos* now are, who have occupied it for ages past. (Page 83.)

In 1817 he also issued a circular to the registrars of the Land Offices of the several States, calling upon them to take regularly certain observations and make monthly official reports upon all meteorological phenomena.

In 1819 a co-operative movement was begun under the direction of Dr. Joseph Lovell, Surgeon-General of the Army, in connection with the medical officers at the principal military posts, by whom reports were made at the end of each month upon the temperature, pressure, and moisture of the air, the

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* See Benjamin Franklin's "Meteorological Imaginations and Conjectures," in the Memoirs of the Literary and Philosophical Society of Mansfield.

Communications made at Passy (France), in 1784, and reported in the Pennsylvania Packet (in Congressional Library) of July 18, 1786.

† "Life of Josiah Meigs," p. 27.

amount of rain, the direction and force of the wind, the appearance of the sky, and other phenomena.

The Land Office circular was a remarkable one, and led to the extensive system of Patent Office observations, the results of which, published in connection with those of the War Department and the Smithsonian in 1859, formed the foundation of scientific meteorology in the United States.

In 1839 a most admirable paper by the French geologist, I. N. Nicollet, an "Essay on Meteorological Observations," was published under the direction of the Bureau of Topographical Engineering. Some years later the lake system of meteorological observations was established by the Engineer Department, under the direction of Capt. (afterwards General) George G. Meade. This included a line of stations extending from the western part of Lake Superior to the eastern part of Lake Ontario.

In 1835 a system of observations had been established under the direction of the Board of Regents of the University of the State of New York, the points of observation being at the academies of the State, and in 1837 the legislature of Pennsylvania made an appropriation of $4,000 for instruments for use in meteorological observations, which were continued until about 1847. Those of New York were kept up until 1865 or later.

In the meantime, the idea of the pre-announcement of storms by telegraph was suggested in 1847 by W. C. Redfield, the discoverer of the law of storms, while Lieutenant Maury from 1851 onward, and especially at the International Meteorological Conference (held at his instance in Belgium in 1853) was promoting the establishment of a system of agricultural meteorology for farmers, and of daily weather reports by telegraph.*

In February, 1855, Leverrier obtained the sanction of the Emperor of France for the creation of an extensive organization for the purpose of distributing weather intelligence, though it was not till 1860 that he felt justified in making his work international.† In 1861 and in 1862 a similar organization was begun in England, under Admiral Fitzroy, which was extended a little later to India.

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* "Maury's Life," p. 77.

† Scott, "Storm Warnings," London, 1883.

In the meantime all the essential features for the prediction of meteorological phenomena were in existence in the Smithsonian Institution as early as 1856, having grown up as the result of an extensive series of tabulations of observations recorded by volunteer observers in all parts of the country.

The following historical notes on weather telegraphy, prepared by Professor Cleveland Abbe in 1871,* give a summary of the progress of this work:

However frequently the idea may have been suggested of utilizing our knowledge by the employment of the electric telegraph, it is to Professor Henry and his assistants in the Smithsonian Institution that the credit is due of having first actually realized this suggestion.

The practical utilization of the results of scientific study is well known to have been in general greatly furthered by the labors of this noble institution, and from the very beginning Professor Henry has successfully advocated the feasibility of telegraphic storm warnings. The agitation of this subject in the United States during the years 1830–'55 may be safely presumed to have stimulated the subsequent action of the European meteorologists. It will be interesting to trace the gradual realization of the earlier suggestions of Redfield and Loomis in the following extracts from the annual Smithsonian reports of the respective years:

1847. "The extended lines of telegraph will furnish a ready means of warning the more northern and eastern observers to be on the watch for the first appearance of an advancing storm."

1848. "As a part of the system of meteorology, it is proposed to employ, as far as our funds will permit, the magnetic telegraph in the investigation of atmospherical phenomena. * * * The advantage to agriculture and commerce to be derived from a knowledge of the approach of a storm by means of the telegraph has been frequently referred to of late in the public journals; and this we think is a subject deserving the attention of the Government."

1849. "Successful applications have been made to the presidents of a number of telegraph lines to allow us at a certain period of the day the use of the wires for the transmission of meteorological intelligence * * * As soon as they [certain instructions, etc.] are completed, the transmission of observations will commence." (It was contemplated to constitute the telegraph operators the observers.)

1850. "This map [an outline wall-map] is intended to be used for presenting the successive phases of the sky over the whole country at different points of time, as far as reported."

1851. "Since the date of the last report the system particularly intended to investigate the nature of American storms immediately under the care of the Institution, has been continued and improved."

The system of weather reports thus inaugurated continued in regular operation until 1861, when the disturbed condition of the country rendered impossible its further continuance. Meanwhile, however, the study of

*American Journal of Science, July, 1871.

these daily morning reports had led to such a knowledge of the progress of our storms that in the report for 1857 Professor Henry writes:

1857. "We are indebted to the National Telegraph Line for a series of observations from New Orleans to New York and as far westward as Cincinnati, which have been published in the Evening Star, of this city.

"We hope in the course of another year to make such an arrangement with the telegraph lines as to be able to give warnings on the eastern coast of the approach of storms, since the investigations which have been made at the Institution fully indicate the fact that as a general rule the storms of our latitude pursue a definite course."

It would seem, therefore, that nothing but the disturbances of the late war prevented our having had, ten years ago, a valuable system of practical storm warnings. Even before peace had been proclaimed, Professor Henry sought to revive the systematic daily weather reports, and in August, 1864, at the meeting of the North American Telegraph Association (see their published report of proceeding), a paper was presented by Professor Baird, on behalf of the Smithsonian Institution, requesting the privilege of the use of the telegraph lines, and more especially in order to enable Professor Henry "to resume and extend the weather bulletin, and to give warning of important atmospheric changes to our seaboard." In response to this communication, it was resolved, "That this association recommend—to pass free of charge—brief meteorological reports for the use and benefit of the Institution."

On the communication of this generous response preparations were at once made for the laborious undertaking, and the inauguration of the enterprise was fixed for the year 1865. In January of that year, however, occurred the disastrous fire which so seriously embarrassed the labors of the Smithsonian Institution for several following years. It became necessary to indefinitely postpone this meteorological work, which, indeed, had through its whole history been carried on with most limited financial means, and was quite dependent upon the liberal co-operation of the different telegraph companies.

It will thus be seen that without material aid from the Government, but through the enlightened policy of the telegraph companies, and with the assistance of the munificent bequest of James Smithson, "for the increase and diffusion of knowledge," the Smithsonian Institution, first in the world, organized a comprehensive system of telegraphic meteorology, and has thus given, first to Europe and Asia, and now to the United States, the most beneficent national application of modern science, the storm warnings.

In the report of the Smithsonian Institution for 1858 it is stated:

An object of much interest at the Smithsonian building is the daily exhibition on a large map of the condition of the weather over a considerable portion of the United States. The reports are received about 10 o'clock in the morning, and the changes are made on the map by temporarily attaching to the several stations pieces of card of different colors to note the different conditions of the weather, and the clearness, cloudiness, rain, or snow. This matter is not only of interest to visitors in exhibiting the

kind of weather which their friends at a distance are experiencing, but is also of importance in determining at a glance the probable changes which may soon be expected.*

In a still earlier report Professor Henry said:

We are indebted to the National Telegraph Line for a series of observations from New Orleans to New York, and as far westward as Cincinnati, Ohio, which have been published in the Evening Star, of this city. These reports have excited much interest, and could they be extended further north and more generally to the west, they would furnish important observations as to the approach of storms. We hope in the course of another year to make such an arrangement with the telegraph lines as to be able to give warning on the eastern coast of the approach of storms, since the investigations which have been made at the Institution fully indicate the fact that, as a general rule, the storms of our latitude pursue a definite course.†

In 1868, Cleveland Abbe, then director of the Cincinnati Observatory, revived the Smithsonian idea of meteorological forecasts, and suggested to the Cincinnati Chamber of Commerce that Cincinnati should be made the headquarters of meteorological observation for the United States, "for the purpose of collecting and comparing telegraphic weather reports from all parts of the land and making deductions therefrom." His proposals were favorably received, and he began, September 1, 1869, to issue the "Weather Bulletin of the Cincinnati Observatory," which he continued until, in January, 1871, he was summoned to Washington to assist in organizing the national meteorological service, with which he has ever since been identified.

The Smithsonian meteorological system continued its functions until it was finally consigned to the custody of the Chief Signal Officer of the Army. Like all the efforts of this Institution, this work was in the direction of supplementing and harmonizing the work of all others, and attention was especially devoted to preparing and distributing blank forms in this direction, calculating and publishing extensive papers for systematizing observations, introducing standard instruments, collecting all public documents, printed matter, and manuscript records bearing on the meteorology of the American Continent, submitting these materials for scientific discussion, and publishing their results. The Smithsonian work was, dur-

* "Thirteenth Annual Report of the Secretary of the Smithsonian Institution," p. 32. (1858.)

† "Twelfth Annual Report of the Secretary of the Smithsonian Institution, 1857," p. 26. Also, "Twentieth Annual Report of the Secretary of the Smithsonian Institution, 1865," pp. 54–57.

ing its whole existence, under the immediate personal direction of Professor Henry, assisted by Professor Arnold Guyot, who, in 1850, prepared and published an exhaustive series of directions for meteorological observations, intended for the first class observers co-operating with the Smithsonian Institution.

The seeds planted by the army in 1819 began to bear perfect fruit fifty years later, when by act of Congress, in 1870, the Secretary of War was authorized to carry into effect a scheme for "giving notice by telegraph and signals of the approach and force of storms," and the organization of a meteorological bureau adequate to the investigation of American storms, and their pre-announcement along the northern lakes and the sea-coast was, under the auspices of the War Department, trusted to the Chief Signal Officer of the Army, Brig.-Gen. Albert J. Myer, and a division, created in his office, was designated as the "Division of Telegrams and Reports for the Benefit of Commerce."

By a subsequent act of Congress, approved June 10, 1872, the Signal Service was charged with the duty of providing such stations, signals, and reports as might be found necessary for extending its research in the interest of agriculture. In 1873, the work of the bureau of the division having been eminently successful, and its successes having been recognized abroad as well as in this country, Congress, by a further act, authorized the establishment of signal-service stations at the light-houses and life-saving stations on the lake sea-coasts, and made provision for connecting them with telegraph lines or cables, "to be constructed, maintained, and worked under the direction of a chief signal officer of the Army, or the Secretary of War and the Secretary of the Treasury," and in this year also was begun the publication of a monthly Weather Review, summarizing in a popular way all its data showing the result of its investigations, as well as presenting these in graphic weather charts.

In 1874 the entire system of Smithsonian weather observation in all parts of the United States was transferred by Professor Henry to the Signal Service. A few months previously, at the proposal of the Chief Signal Officer, in the International Congress of Meteorologists convened at Vienna, the system of world-wide co-operative simultaneous weather observations, since then so extensively developed, was inaugurated, and began to contribute its data to the signal-office records. It is un-

necessary to trace further the history of the beginning of the meteorological work of the Signal Service, but I doubt not that every one at all familiar with its subsequent history, under the leadership of Generals Hazen and Greely, will agree with the opinion of Judge Daly, the president of the American Geographical Society, when he said that "nothing in the nature of scientific investigation by the National Government has proved so acceptable to the people, or has been so productive in so short a time of such important results, as the establishment of the Signal-Service Bureau."*

The sixth President, John Quincy Adams, a man of culture broad and deep, found the presidency of the American Academy of Arts and Sciences so congenial to his tastes and sympathies that he did not hesitate to say that he prized it more highly than the chief magistracy of the nation. He considered his most important achievement to be the "Report on Weights and Measures," prepared for Congress in 1818, and was justly proud of it, for it was a very admirable piece of scientific work, and is still considered the most important treatise on the subject ever written.

John Quincy Adams revived Washington's national university project, and made battle valiantly for an astronomical observatory.

In his first message to Congress afterward, he said:

> Among the first, perhaps the very first, instrument for the improvement of the condition of men is knowledge; and to the acquisition of much of the knowledge adapted to the wants, the comforts, and enjoyments of human life, public institutions and seminaries of learning are essential. So convinced of this was the first of my predecessors in this office, now first in the memory, as living he was first in the hearts, of our country, that once and again, in his addresses to the Congresses with whom he co-operated in the public service, he earnestly recommended the establishment of seminaries of learning, to prepare for all the emergencies of peace and war, a National University and a Military Academy. With respect to the latter, had he lived to the present day, in turning his eyes to the institution at West Point, he would have enjoyed the gratification of his most earnest wishes. But in surveying the city which has been honored with his name, he would have seen the spot of earth which he had destined and bequeathed to the use and benefit of his country as the site for a University, still bare and barren.†

* 1883, History of the United States Signal Service, with catalogue of its exhibit at the International Fisheries Exhibition. London, 1883; Washington City, 1883; octavo pp. 1–28.

† John Quincy Adams, in his diary for November, 1825, describes an inter-

And again:

Connected with the establishment of a university, or separate from it, might be undertaken the erection of an astronomical observatory, with provision for the support of an astronomer, to be in constant attendance of observance upon the phenomena of the heavens; and for the periodical publications of his observations. It is with no feeling of pride, as an American, that the remark may be made that, on the comparatively small territorial surface of Europe, there are existing upward of one hundred and thirty of these light-houses of the skies; while throughout the whole American hemisphere there is but one. If we reflect a moment upon the discoveries which, in the last four centuries, have been made in the physical constitution of the universe by the means of these buildings, and of observers stationed in them, shall we doubt of their usefulness to every nation? And while scarcely a year passed over our heads without bringing some new astronomical discovery to light, which we must fain receive at Second-hand from Europe, are we not cutting ourselves off from the means of returning light for light, while we have neither observatory nor observer upon our half of the globe, and the earth revolves in perpetual darkness to our unsearching eyes?

This appeal was received with shouts of ridicule; and the proposal "to establish a light-house in the skies" became a common by-word which has scarcely yet ceased to be familiar. So strong was public feeling that, in the year 1832, in reviving

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view with his Cabinet, and the discussion which followed the reading of his message before it was finally revised for sending to Congress.

"Mr. Clay wished to have the recommendations of a National University * * * struck out * * * The University, Mr. Clay said, was entirely hopeless, and he thought there was something in the constitutional objection to it. * * * I concurred entirely in the opinion that no projects absolutely impracticable ought to be recommended; but I would look to a practicability of a longer reign than a simple session of Congress. General Washington had recommended the Military Academy more than ten years before it was obtained. The plant may come late, though the seed should be sown early. And I had not recommended a University. I had referred to Washington's recommendations, and observed they had not been carried into effect."

Such opinions as these of Mr. Clay were evidently very much at variance with those of John Quincy Adams and of his illustrious father, whose action in the constitutional convention of Massachusetts has already been referred to, and at variance as well, it would seem, with the opinion of the early Republicans, as with those of the Federalists. The views of Washington and Madison, as well as those of Jefferson and Barlow, on these subjects have already been referred to.

Mr. Adams, in commenting upon an address delivered by Edward Everett before the Columbian Institute, January 16, 1830, remarks:

"I regretted to hear a seeming admission that the powers of giving encouragement to literature and science were greater at least in State governments than in that of the Union." Vol. vii., p. 171.

an act for the continuance of the survey of the coast, Congress made a proviso, that "nothing in the act should be construed to authorize the construction or maintenance of a permanent astronomical observatory."*

Nothing daunted, Mr. Adams continued the struggle, and while a member of the House of Representatives, after his presidential term had expired, he battled for the observatory continually and furiously. An oration delivered by him in Cincinnati, in 1843, closed with these words:

Is there one tower erected to enable the keen-eyed observer of the heavenly vault to watch from night to night, through the circling year, the movements of the starry heavens and their unnumbered worlds? Look around you, look from the St. John to the Sabine, look from the mouth of the Neversink to the mouth of the Columbia, and you will find not one! or if one, not of our erection.

A correspondent of the London Athenæum, writing from Boston in May, 1840, spoke at length of the dearth of observatories in the United States, and of the efforts of John Quincy Adams to form a national astronomical establishment in connection with the Smithson bequest. The letter is of great interest as showing the state of opinion on scientific matters in America just half a century ago.

BOSTON, *May*, 1840.

One of the prominent subjects of discussion among our savans is the establishment of observatories of a character suitable to our standing as a civilized nation, and still more to our exigencies as a practical, and especially as a commercial community. I verily believe that the yearly damage and destruction along our coast, for want of the securities which such institutions would supply, out-balances, beyond comparison, all it would cost to establish and maintain them in every principal city of the land. It is partly a sort of electioneering economy which leaves things thus, and which has hitherto refused or neglected to fit out exploring expeditions; to accumulate national treasures of art and science, and facilities for their prosecution; and generally to pursue a system of "in-breeding and cherishing," as Milton has it, "in a great people, the seeds of virtue and public civility;" excepting always what is done for the diffusion of elementary popular education. This education, to be sure, and this diffusion of it, we are taught to regard as necessaries in our moral and social being—the "staff

* It is interesting to know that in 1827, Mr. James Courtenay, of Charleston, published a pamphlet, an urgent plea for the establishment of a naval observatory. I am indebted to Mr. William A. Courtenay for the opportunity to examine this rare tract, which has the following title:

1827. COURTENAY, JAMES. An | Inquiry | into | the Propriety | of | establishing | a | National Observatory. | = | By James Courtenay, | of Charleston, South Carolina | = | — | Charleston, Printed by W. Riley, 125 Church-Street | — | 1827. 8° pp. 1-24.—

of public life" among us. And we are right. It is so. But there are many other things which we have not been taught to appreciate as they deserve, and the value of which we have gradually to grope our way to. Their day, however, will come; though it can not be expected that either a government or a people so youthful, so hurried, so fluctuating, can reach at once to the graces and the "fair humanities" of the Old World. Remember that the "United States" are only some half-century old; and remember what we have been obliged to do and to suffer meanwhile, and under what circumstances. But, as I said before, the time is coming, if not come, when the heart of the nation shall acknowledge what is the high duty and destiny of a country like this; and then, I need not tell you, all is accomplished. Congress and the Government must always represent the general as well as the political character of the nation. It will be refined, scientific, public-spirited, or otherwise, as are the people. At this moment, as at all times, the representative and the represented, bear this relation to each other as intimately as might be expected from the nature of our institutions; and hence, from the signs which have appeared in the legislative bodies, I derive hope, and feel authorized to say what I have said of the advance, throughout our community, of what may be called the graceful and genial system of civilization, as distinguished from the practical and hard. This subject of observatories is quite in point. True, nothing has yet been done, but then a good deal has been said; and that is much: it is, in fact, doing much, in a case like this. It was something for Congress to bear being told what they had neglected, and patiently to discuss the subject.

The principal agent in bringing the subject forward has been Ex-President Adams, who, as you may be aware, is still an M. C., at the age of between seventy and eighty, and one of the halest and hardiest men in that body. His spirit is equal to his iron constitution. He spares himself no labor. So well is this understood that it has been of late rather a practice to select the old gentleman for special burdens; and there are many matters of legislative action which he really understands better, or knows better at least how to explore and determine, than any member of the House. Thus the observatory business came upon him, at least indirectly; for, to some extent, he brought it on himself. You are, no doubt, familiar with the the history of the great Smithsonian bequest. When that business came before Congress, and especially as it was not a party one, all eyes were turned on Mr. Adams, and he was appointed chairman of the committee. In this capacity he has made sundry reports: the last and ablest reviews the whole subject. In this he labors to show what general appropriation ought to be made of the fund—for that is not yet determined—and then to sustain a special recommendation, which is, to devote the income for about ten years to an observatory, to be founded on national land, at Washington, "adapted to the most effective and continual observations of the phenomena of the heavens, and to be provided with the necessary, best, and most perfect instruments and books for the periodical publication of the said observations, and for the annual composition and publication of a Nautical Almanac." The details of the plan may be omitted. Many, however, of the statistics connected with them, are new to us here, and of interest, including a report on the British establishments, furnished, on request, by the Astronomer Airy. To a greater extent these may be familiar to English readers,

but perhaps not wholly so. I hope they do not know, for example, how much we deserve, as compared with other nations, the caustic strictures and lectures of Mr. Adams, who really gives us no quarter, being resolved not to spoil the child by sparing the rod, but rather to provoke us to find a remedy for the evils he describes. You yourself adverted, not long since, to the state of things among us, but only in general terms. The facts are these: They have a small observatory in process of erection at Tuscaloosa, Ala., for the use of the university in that place. Professor Hopkins, of Williams College, Massachusetts, has a little establishment of the sort, and this is about all in that State—all in New England! The only other establishment in the United States, known to me, is that in the Western Reserve College, Ohio, under the charge of Professor Loomis. Nothing of the kind at our national seat of government, or anywhere near it! Even Harvard University, "with all its antiquity, revenue, science, and renown," has thus far failed, though it appears that they are breaking ground at Cambridge; a house or houses having been purchased and fitted up, and one of our "savans" is already engaged in a series of magnetic and other observations. Now, how stands the case on your side the water? Why, in the British Islands alone, there are observatories at the Universities of Cambridge and Oxford—at Edinburgh and Glasgow, in Scotland—and at Dublin and Armagh, in Ireland—all receiving some patronage from the Government—to say nothing of an observatory at the Cape of Good Hope, or of the establishments on the various remote and widely-separated dependencies of the British Empire, including Van Dieman's Land, for the furnishing of which, we understand, arrangements have been made in connection with Captain Ross's expedition. In France, I believe, the provision is not less ample. On this part of the subject Mr. Adams merely remarks that the history of the Royal Observatory of that country would show the benefits conferred on mankind by the slightest notice bestowed on the rulers on the pursuit of knowledge, and that "the names of the four Cassinis would range in honorable distinction by the side of Flamsteed, Bradley, and Maskelyne."

Special reference is of course made to Greenwich, and Mr. Adams takes much pains to show how much that institution has done for science and for man. After recapitulating how to preserve observations, we are indebted for a fixed standard for the measurement of time,—how, by the same science, man has acquired, so far as he possesses it, a standard for the measurement of space, he observes, that the minutest of these observations contribute to the "increase and diffusion of knowledge" (the expressed object in Smithson's bequest). As to the more brilliant, we are reminded of an observation of Voltaire, that if the whole human race could be assembled from the creation of man to this time, in gradation of genius, Isaac Newton would stand at their head; and the discoveries of Newton were the results of calculations, founded on the observations of others—of Copernicus, Tycho Brahe, Kepler, and Flamsteed. Greenwich has been considered rather an expensive establishment (among us), but Mr. Adams shows that, though costly, it has not been profitless.

Not to enter further into details of European countries, it appears that there are about one hundred and twenty observatories in Continental Europe; and that the most magnificent of them all has been lately founded

by the Czar in the vicinity of his capital: an enterprise sufficiently glorious, Mr. Adams observes, for the sovereign of such an empire; but the merit of which is enhanced by the fact of its being undertaken and accomplished in such a latitude and climate:—"a region so near the pole, that it offers to the inspection of the human eye only a scanty portion of the northern hemisphere, with an atmosphere so chilled with cold and obscured with vapors, that it yields scarcely sixty days in the year when observation of the heavenly bodies is practicable." This fact, it must be allowed, is rather an aggravation, or ought to be, to us republicans, some among whom affect to be special despisers of the bigoted Nicholas, and all his works. It seems, too, that Mehemet Ali has come forward as the patron of philosophical inquiry.

Thus matters stand at present, and Mr. Adams strongly urges prompt, practical action; and this scheme, with some modifications, and after our customary delays and discussions (in Congress) will be carried into execution, at least to a respectable extent. I am the more inclined to the opinion as it has been made clear in the progress of discussion that the establishments referred to need not be so enormously expensive as they generally are. In this matter we have been misled and discouraged by your example, among others. We found that Cambridge observatory cost £20,000, and that, among the instruments, the price of the mural circle alone was over £1,000, to say nothing of an equatorial telescope at £750, or a transit instrument £600, and that as to Greenwich, the annual expenses, including salaries, repairs, and printing, exceeded £3,000. Now, this may be "sport for you," but it knocked our calculations on the head. Our ideas are not yet enlarged to that extreme point. To be sure, we can spend money for Florida wars; nay, for better things—for internal improvements—for bridges over the Ohio River (St. Louis) or for market-houses and meeting-houses of most liberal dimensions—for whatever, in a word, is practical—as we understand it—and especially so much of it as private enterprise can execute without calling in Government aid:—but ask for the adornments and muniments of art and science, in the ornamental or even in the scholar-like way, and it must be acknowledged the "sovereign people" move slow; they button their breeches' pockets and begin to "calculate." As to the Observatories, however, the case is better, for we find that much can be done at small expense. An establishment of the merely useful kind may be set up for a trifle. Not that Mr. Adams proposes to establish the National Observatory on such a scale. On the contrary, he thinks the Smithson fund should be devoted to it for the present, and that not less than ten years of the income will be required. A more explicit estimate is also added, but it will be sufficient to observe that it comprises, besides a salary of $3,600 for the astronomer, funds for the compensation of four assistants, at $1,500 each, and two laborers, each at $600; for the purchase and procurement of instruments, $30,000; of which $20,000 might be applied for an assortment of the best instruments to be procured, and $10,000 for a fund, from the interest of which other instruments may be from time to time procured, and for repairs; for the library, $30,000; being $10,000 for first supply, and $20,000 for a fund for an income of $12,000 a year; and finally $30,000 for a fund, from the income of which $1,800 a year, shall go to defray the expenses of the yearly publication of the observation and of a Nautical Almanac.

It was the idea of Mr. Adams, in his later days, that the Smithson bequest, or, at least, its income for ten years, should be applied to the foundation of a national observatory and the publication of the "Nautical Almanac," and he only abandoned it when an observatory had actually been established under the Navy Department, in connection with the Department of Charts and Instruments.

The establishment of an observatory had, indeed, been prominent in the minds of Washington and Jefferson, and was definitely proposed in Barlow's plan for a national institution, as well as in the project for a coast survey, submitted in 1837, in which it was proposed that there should be two observatories, formed at a fixed point, around which the survey, and particularly the nautical part of it, should be referred, their situation preferably to be in the State of Maine or lower Louisiana, since from them every celestial object observable, from the tropics to the Arctic circle, and within about twenty degrees of longitude, could be observed. Still, however, since various considerations might occasion the desire of placing one of these observatories in the city of Washington, just as observatories had been placed in the principal capitals of Europe, as a national object of scientific ornament as well as a means for nourishing science in general, Hassler conceded that it might there be placed, since it would then be the proper place for the deposit of the standards of weights and measures, which also makes a special part the collection of instruments. James Monroe, when Secretary of State, in 1812, strongly urged upon Congress the establishment of an observatory, urging, first, the necessity of establishing a first meridian for the continent, and, in the second place, the fact that every enlightened nation had already established such an institution of learning. The immediate occasion for the intervention of the Secretary of State was the memorial of William Lambert, of Virginia, which was presented at various times from 1810 to 1821, and was accompanied by an elaborate report in 1822.

The action of Congress during the Adams administration has been referred to. In 1830, Mr. Vance, of North Carolina, Secretary of the Navy under Jackson, strongly urged the establishment of an observatory for general astronomical purposes.

The beginning of the observatory seems to have been actually made on Capitol Hill during Mr. Adams's administration, under instruction of Astronomers Lambert and Elliott, em-

ployed by Congress to determine the longitude of Washington. The President, in his diary of 1825, described a visit to Capitol Hill, in company with Colonel Roberdeau, and spoke of witnessing an observation of the passage of the sun over the meridian, made with a small transit instrument. This instrument was very probably the one obtained by Hassler in Europe in 1815, which he never was permitted to use in connection with the coast survey work, and which passed into the hands of Lieutenant Wilkes in 1834, when it was placed in the small observatory, erected at his own expense, about a thousand feet north of the dome of the Capitol.

It was at this establishment, which was known as the "naval depot of instruments," that the five-foot transit was used, mainly for the purpose of reading the naval chronometer. When Wilkes went to sea with his expedition in 1837, Lieut. James M. Gilliss became superintendent of the depot, and having obtained a 42-inch astronomical telescope, commenced a series of observations on the culmination of the moon and stars. In 1842 the establishment of a permanent depot of charts and instruments was authorized by Congress, and although the establishment of an observatory was not authorized in the bill, every effort was made by Lieutenant Gilliss and others interested in his work to secure suitable accommodations for astronomical work, and his plans having been approved by President Tyler, work was begun on the Naval Observatory, now known as the National Observatory.

There can be little doubt that the excellence of the work done by Gilliss himself, with his limited opportunities, did much to hasten the establishment of the observatory, and there is in this connection a traditional history. Encke's Comet appeared in 1842, and was promptly observed by him. He read a paper concerning it before the National Institute. Senator Preston, an enthusiastic member of that organization, was present at the meeting. When Gilliss, still a very young man, shortly afterward made a visit to the Senate committee-room, the Senator remarked to him: "If you are the one who gave us notice of the comet, I will do all I can to help you."

A week afterwards a bill passed the Senate and the House without formal discussion. The appropriation was $25,000, and although it was expressly for the establishment of a depot of charts and instruments, the report of the commit-

tee which had secured it was so emphatically in favor of astronomical, meteorological, and magnetic work that the Secretary of the Navy felt justified in assuming that Congress had sanctioned the broadest project for an observatory. Gilliss was at once sent abroad to obtain instruments and plans, while Lieut. Matthew F. Maury was placed in charge of the depot, and when the observatory was completed in 1844 became its superintendent.

Maury's attitude towards astronomical work has been severely criticised, and, I think, misunderstood. He was, first of all, an enthusiastic officer of the Navy; second, an astronomer, and he deemed it appropriate that the chief effort of the office should be directed toward work which had a direct professional bearing. Although not neglecting astronomy (for under his direction two volumes of astronomical observations were published), his own attention, and oftentimes that of almost the entire office was devoted to hydrographic subjects. The work which he had accomplished was of the greatest practical importance to navigation, and nothing of a scientific nature up to that time accomplished in America received such universal attention and praise from abroad.

His personal popularity and his influence were very great, and the necessity for the maintenance of a national observatory was not in his day fully appreciated by the public. It is not at all impossible that, indirectly, through his meteorological and hydrographic work, he may have done more for the ultimate and permanent welfare of the National Observatory than could have been possible through exclusive attention to work of a purely astronomical character.

In 1861 Gilliss again became the superintendent, and under his direction the Observatory took rank among the first in the world.

Before leaving the subject of the Observatory, reference should be made to astronomical work almost national in character accomplished in colonial days at Philadelphia under the direction of the American Philosophical Society, by which a committee of thirteen was appointed to make observations upon the transit of Venus in 1769.

Three temporary observatories were built, one in Philadelphia, one at Norristown, and one at Cape Henlopen. Instruments were imported from England, one of them a reflecting telescope with a Dollond micrometer, purchased in London by

Dr. Franklin with money voted by the assembly of Pennsylvania. The transit was successfully observed and an elaborate report was published.

This enterprise is worthy of mention, because it was the first serious astronomical work ever undertaken in this country. Being under the auspices of the only scientific society then in existence, it was in some sense a national effort. Had not the Revolution taken place, it would undoubtedly have resulted in the establishment of a well equipped observatory in this country under the auspices of the home government. Dr. Thomas Ewing, the Provost of the University of Pennsylvania, who seems to have been the first to propose the observations of 1769, and under whose direction they were carried on, visited London a few years later, and while there made interest with Lord North, the Prime-Minister, and with Mr. Maskelyne, the Astronomer-Royal, for the establishment of an observatory in Philadelphia, and that his efforts gave great promise of success may be shown by the letter here presented, addressed to him by Mr. Maskelyne in 1775.

GREENWICH, *August* 4, 1775.

SIR: I received your late favor, together with your observations of the comet of 1770, and some (copies) of that of 1769, for which I thank you. I shall communicate (them) to the Royal Society as you give me leave. In the present unhappy situation of American affairs, I have not the least idea that anything can be done towards erecting an observatory at Philadelphia, and therefore can not think it proper for me to take a part in any memorial you may think proper to lay before my Lord North at present. I do not mean, however, to discourage you from presenting a memorial from yourself. Were an observatory to be erected in that city, I do not know any person there more capable of taking care of it than yourself. Should Lord North do me the honor to ask my opinion about the utility of erecting an observatory at Philadelphia, I should then be enabled to speak out, being always a well-wisher to the promotion of science. You did not distinguish whether the times of your observations were apparent or mean time.

I am, your most humble servant,

N. MASKELYNE.

Rev. Dr. EWING,
No. 25, *Ludgate Street.*

In this connection mention should be made of the extended astronomical work done from 1763 to 1767, by Charles Mason, an assistant of Maskelyne, and Jeremiah Dixon, while surveying the boundary line between Pennsylvania and Maryland, and especially of the successful measurement by them of a

meridian of latitude. Mason was a man of high scientific standing, but, though he became a citizen of Philadelphia, where he died in 1787, little is known of him beyond the record of his scientific work. He had been one of the observers of a transit of Venus at the Cape of Good Hope in 1761, and it was no doubt he who inspired the American Philosophical Society to its effort in 1769.

Another event in the Adams administration was the beginning of the National Botanic Garden. The foundation of such an institution was one of the earliest of the projects for the improvement of the capital. Washington decided that it should be closely connected with the National University, on the site now occupied by the National Observatory, and stipulated that, should this site not be found available, another spot of ground, appropriated on the early maps to a marine hospital, might be substituted. The Columbian Institute, already referred to, had begun the formation of an arboretum as early as 1822, and in 1829 applied unsuccessfully to Congress for an appropriation to re-imburse it for its expenditures. There was, however, no definite foundation until 1852, when the numerous living plants which had been brought back by the Wilkes Exploring Expedition in the Pacific, and which had for several years been kept in greenhouses adjoining the Patent Office, in which the natural-history collections of the expedition were kept, were removed to the present site of the Botanical Garden on the south side of Pennsylvania Avenue just west of the Capitol. This garden was first under the direction of Mr. W. D. Brackenridge, who had been the horticulturist of the Wilkes Expedition. Mr. Brackenridge was succeeded by Mr. William R. Smith, a pupil of the Kew Botanical Garden, who has since been in charge of the establishment, and through whose industry it has been developed into a most creditable institution, which, it is hoped, may in time have an opportunity to exhibit its merits in a more suitable and less crowded locality.

Under Jackson, from 1829 to 1837, notwithstanding the remarkable commercial prosperity, and an almost equal advance in literature, science did not prosper, and of actual progress there is little to record. The Coast survey was reorganized under its original superintendent, Hassler, in 1832, and Featherstonehaugh, an English geologist, made, in 1834, a reconnoissance in the elevated region between the Missouri and the Red River.

Van Buren's administration, which began in 1837 and ended in 1841, presents more points of interest, for although the country was in a state of financial depression, his Cabinet was composed of extremely liberal and public-spirited men. Poinsett as Secretary of War, Kennedy as Secretary of the Navy, and other public men did much to promote science.

The United States Exploring Expedition was sent out under Capt. Charles Wilkes, on a voyage of circumnavigation. Although published in an extremely limited edition, the magnificent volumes of its report are among the classics of scientific exploration.

The Wilkes Expedition was the first of a series of naval explorations which have contributed largely to science—Lynch's "Dead Sea Expedition," Gilliss's "Naval Astronomical Expedition" to Chili, Herndon and Gibbons's "Exploration of the Valley of the Amazons," Page's Paraguay Expedition, the "Cruise of the Dolphin," Perry's Japan Expedition, Rogers's North Pacific Exploring Expedition, and the various expeditions made under the Hydrographic Office and the Coast Survey.

In 1840 two important national societies were founded, the National Institution for the Promotion of Science, and the American Society of Geologists and Naturalists,—the one an association with a great membership, scientific and otherwise, including a large number of government officials; the other composed exclusively of professional naturalists.

The purpose of each was the advancement of the scientific interests of the nation, which seemed more likely to receive substantial aid, now that the money bequeathed by Smithson was lying in the Treasury vaults, waiting to be used.

The National Institution under the leadership of Joel R. Poinsett, of South Carolina, then Secretary of War, assisted by General J. J. Abert, F. A. Markoe, and others, had a short but brilliant career, which endured until the close of the Tyler administration, and had an important influence on public opinion, bringing about in the minds of the people and of Congress a disposition to make proper use of the Smithson bequest, and which also did much to prepare the way for the National Museum. The extensive collections of the National Institution and those of the Wilkes Expedition, and other government surveys were in time merged with those of the Smithsonian Institution, and having been greatly increased at the

close of the Centennial Exposition, began in 1879 to receive substantial support from Congress.

The Society of Geologists was not so prominent at the time, but it has had a longer history, for in 1850 it became the American Association for the Advancement of Science. Although it dated its origin from 1840, it was essentially a revival and continuation of the old American Geological Society, organized September 6, 1819, in the Philosophical Room of Yale College, and in its day a most important body. Its members, following European usage, appended to their names the symbols "M. A. G. S.," and among them were many distinguished men, for at that time almost every one who studied any other branch of science, cultivated geology also.

The American Association prepared the way for the National Academy of Sciences, which was established by Congress in 1863, having for its first president, Alexander Dallas Bache, who in his presidential address at the second meeting of the American Association, twelve years before, had pointed out the fact that "an institution of science supplementary to existing ones is much needed to guide public action in reference to scientific matters," * and whose personal influence was very potent in bringing that institution into existence. In advocating before Congress the plan for the National Academy of Sciences, Senator Sumner avowedly followed the lead of Joel Barlow, the projector of the National Institution in 1806.†

The system of national scientific organizations, thus inaugurated, is still expanding. Within the past few years, there have sprung into existence a considerable number of learned societies devoted to special subjects, usually with unlocalized

* "Proceedings of the American Association for the Advancement of Science, 1851," pp. 6 and 48.

† The idea of an Academy of Sciences with unlocalized membership and, like the Royal Society and the French Academy, holding advisory relations with the general government, appears to have been present in the minds of many of the early statesmen. Washington, in his project for a great national university, doubtless intended to include every thing of this kind. Joel Barlow and Thomas Jefferson at the beginning of the century were engaged in correspondence "about learned societies, universities and public instruction." John Adams in a letter to Cutler, dated Quincy, May 1, 1802, referred to a scheme for the establishment of a national academy of arts and sciences, in which Mitchell, of New York, was interested, and which was to come up for discussion at a meeting in that city in the following month. Life of Manasseh Cutler, ii., p. 87.

membership, and holding meetings from year to year in different cities. Among these are those named below:

The American Anatomical Society.
The American Dialect Society.
The American Folk-lore Society.
The American Geographical Society (of New York) and the National Geographic Society (of Washington).
The American Geological Society.
The American Historical Association.
The American Institute of Mining Engineers.
The American Meteorological Society.
The American Metrological Society.
The American Oriental Society.
The American Ornithologists' Union.
The American Philological Association.
The American Physiological Society.
The American Society of Naturalists.
The American Society for Psychical Research.
The Archæological Institute of America.
The Botanical Club of the American Association.
The Franklin Institute.

That the organization of such societies had been so long delayed, was perhaps due to the fact that during the first six decades of the century the number of scientific investigators was comparatively small, and scientific work of original character was confined to a few of the large cities, so that local organizations, supplemented by the annual summer meetings of the American Association for the Advancement of Science, answered all needs. Since the close of the civil war, and of the period of ten years which elapsed before our country was restored to commercial prosperity, and indeed before it had begun to fully feel the effects of the great scientific renaissance which originated in 1859 with the publication of Darwin's "Origin of Species," there has been a great increase in the number of persons whose time is chiefly devoted to original scientific work.

Nothing has contributed so materially to this state of affairs as the passage by Congress in 1862 of the bill, introduced by the Hon. Justin S. Morrill, of Vermont, to establish scientific and industrial educational institutions in every State, supplemented in 1887 by the Hatch bill for the founding of the agricultural experiment stations.* The movement was at first unpopular among American educators, but after a quarter of a century of trial the land-grant college system has not only demonstrated its right to exist, but is by many regarded as

* See App. D, and also A. C. True's "A Brief Account of the Experiment Station Movement in the United States," U. S. Department of Agriculture, Experiment Station Bulletin No. 1, 1889, pp. 73–78.

forming one of the chief strongholds of our national scientific prosperity.*

One of the most important effects of the movement has been to stimulate the establishment of State scientific schools and universities, and every one of the forty-two commonwealths has already a university or a college performing, or intended to perform, university functions.

It is worthy of remark that with six exceptions every State has in less than twenty years of its admission had a State college or university of its own. Only twelve have delayed more than ten years, and fifteen have come into the Union already equipped. Ten of these were colonies and original States. All but one of the remainder were those admitted in 1889, for each of our four new States was provided with the nucleus of a State university before it sought admission to the Union. Twenty-eight of the State and Territorial universities had their origin in land-grants from the General Government other than those for agricultural and mechanical colleges.†

The completeness of the State system of scientific educational institutions is in marked contrast with that of the scientific societies in the same States, organized by the direct action of the people rather than by government.

Academies of science bearing the names of the States of our

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* The following statements were made in a report of the Committee of the House of Representatives, March 3, 1886:

"The act appropriating script to the amount of 30,000 acres for each Senator and Representative in Congress for the endowment of colleges for the benefit of agriculture and the mechanic arts, which was passed in 1862, has been fruitful. Some of the States endowed single colleges, while others divided the gift between two or three. There were 17,430,000 acres of script and land granted, and the fund arising from their sales is $7,545,405. This has been increased by gifts from the States and from benevolent individuals of grounds, buildings, and apparatus to the amount of $5,000,000 more. And the last reports show that these colleges employed more than four hundred professors, and had under instruction more than four thousand students. This donation of the public funds has been eminently profitable for the Government and the country. Many thousands of young men educated in science have already gone out from their colleges to engage in the practical duties of life, and the provision is made for sending out a continued succession of these for all future time. And as science is not limited by State boundaries, it makes but little difference for the common good which of these institutions or States these graduates come from; their attainments are for the common good."

† See Appendix E, and also F. W. Blackmar's "History of Federal and State Aid to Higher Education," etc., Washington, 1890.

confederation and often sanctioned by their laws, may be regarded as in some sense national. Although nearly all of our States have historical societies, only twelve of the forty-two have academies of science, or organizations which are their equivalent. That there should be in 1889 thirty States without academies of science, and fourteen States and Territories in which there are no scientific societies of any description whatever, is a noteworthy fact.*

During Van Buren's presidency, the Department of Agriculture had its formal beginning.

The chief promoter of this idea was Henry L. Ellsworth, of Connecticut, Commissioner of Patents, whose efforts culminated twenty-six years later in the establishment of a department, and, after another period of twenty-six years, in the elevation of the head of that department to the dignity of a Cabinet officer. Ellsworth began work by distributing seeds and plants for experimental culture, acquiring these without expense, and sending them out under the franks of friendly Congressmen. After three years (in 1839) Congress recognized the value of the work in this direction by appropriating $1,000 from the Patent Office fund to enable him to collect and distribute seeds, to collect agricultural statistics, and to make agricultural investigations. Appointed by Jackson in 1836, Ellsworth served through the two successive terms of Van

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*The following is a list of those already in existence:

STATE ACADEMIES OF SCIENCE, ETC., 1890.

California.—The California Academy of Sciences, San Francisco, 1854.

Columbia.—The Affiliated Scientific Societies of Washington City; The Philosophical Society, 1871; The Anthropological Society, 1879; The Biological Society, 1880; The Chemical Society, 1889; The National Geographic Society, 1888.

Connecticut.—The Connecticut Academy of Arts and Sciences, 1799.

Indiana.—The Indiana Academy of Sciences, 1885.

Iowa.—The Iowa Academy of Sciences, Iowa City, 1875.

Kansas.—The Kansas Academy of Science, Topeka, 1868.

Maryland.—The Maryland Academy of Sciences, Baltimore, 1822.

Massachusetts.—The American Academy of Arts and Sciences, Boston, 1780.

Minnesota.—The Minnesota Academy of Natural Sciences, Minneapolis, 1873.

Missouri.—The St. Louis Academy of Science, St. Louis, 1857.

New York.—The New York Academy of Science, New York City, 1817.

Pennsylvania.—The American Philosophical Society, Philadelphia, 1743.

Wisconsin.—Wisconsin Academy of Arts, Science, and Letters, Madison, 1870.

Buren and Tyler, and in his nine years of official work his devotion to the interests of agriculture produced excellent results, and placed the service on a firm foundation. Though Newton was in name the first commissioner of agriculture, Ellsworth deserves to be kept in memory as the real founder of the department.

The appropriations at first were insignificant, and occasionally, as in 1841, 1842, and 1846, Congress seems to have forgotten to make any provision whatever for the work, which consequently went forward under difficulties. In 1853 the first appropriation directly for agriculture was made, in 1855 the whole amount up to that time withdrawn for this purpose from the Patent Office fund was re-imbursed, and from that time on the money grants became yearly larger, and the work was allowed slowly to expand. The seed work increased, and in 1856 a propagating garden was begun. The agricultural report, which began in 1841, and was until 1862 printed as a part of that of the Patent Office, became yearly more extensive, and showed a general average annual growth in value. In 1854 work in economic entomology began, with the appointment of Townend Glover to investigate and report upon the habits of insects, injurious and beneficial to agriculture. In 1855 the chemical and botanical divisions were inaugurated.

David P. Holloway, of Indiana, the thirteenth Commissioner of Patents, was instrumental in effecting a most important reform in the scientific administration of the Government. In his first annual report, made in January, 1862, he advocated enthusiastically the creation of a Department of the Productive Arts, to be charged with the care of agriculture and all the other industrial interests of the country, and he was so far successful that on May 15 Congress established the Department of Agriculture. The first Commissioner was Isaac Newton, who had been for a year or more Superintendent of the Agricultural Division of the Patent Office. From 1862 to 1889 there were six Commissioners: Newton (1862–'67), Capron (1867–'71), Watts (1871–'77), Le Duc (1877–'81), Loring (1881–'85), and Coleman (1885–'89), and under the administration of each important advances were made, and the value of the work became yearly greater. Buildings were erected, a chemical laboratory established, the departments of animal industry, economic ornithology and mammalogy, pomology, vegetable pathology, silk culture, microscopic, forestry, and experiment

stations were added, and the system of publications greatly extended. The Department, as now organized, is one of the most vigorous of our national scientific institutions, and with its powerful staff and close affiliations with the forty-six State agricultural experiment stations, manned as they are by nearly four hundred trained investigators, it has possibilities for the future which can scarcely be overestimated.*

The term of the ninth President was too short to afford matter for comment. It should be mentioned, however, that General Harrison published in Cincinnati in 1838 "A Discourse on the Aborigines of the Valley of the Ohio," and was the only President, except Jefferson and John Quincy Adams, who has ever produced a treatise upon a scientific theme.

* The first agricultural "experiment station" under that specific designation in the United States was established at Middletown, Conn., in 1875, by the joint action of Mr. Orange Judd, the trustees of the University at Middletown, and the State Legislature, with Prof. W. O. Atwater, as director, and was located in the "Orange Judd Hall of Natural Science." The example was speedily followed elsewhere, so that in 1880 there were four, and in 1886 some seventeen of these institutions in fourteen States. The appropriation by Congress of $15,000 per annum to each of the States and Territories which have established agricultural colleges, or agricultural departments of colleges, has led to the establishment of new stations or the increased development of stations previously established under State authority, so that there are to-day forty-six stations in the United States. Several of these have sub-stations working under their management. Every State has at least one station, several have two, one has three, and Dakota has set the Territories an example by establishing one within her boundaries.

These forty-six stations employ nearly 400 men in the prosecution of experimental inquiry. The appropriation by the United States Government for the current year, for them and for the Office of Experiment Stations in this Department, is $600,000. The several States appropriate about $125,000 in addition, making the sum total of about $725,000 given from public funds the present year for the support of agricultural experiment stations in the United States.

"Of all the scientific enterprises which the Government has undertaken," wrote Secretary Coleman, "scarcely any other has impressed its value upon the people and their representatives in the State and national legislatures so speedily and so strongly as this. The rapid growth of an enterprise for elevating agriculture by the aid of science, its espousal by the United States Government, its development to its present dimensions in the short period of fourteen years, and, finally, the favor with which it is received by the public at large, are a striking illustration of the appreciation on the part of the American people of the wisdom and the usefulness of calling the highest science to the aid of the arts and industries of life."

In 1841 John Tyler, of Virginia, became President. His period of administration was a stormy one, and the atmosphere of Washington at that time was not favorable for scientific progress. During this administration, however, important reforms took place in the organization of the Navy, which resulted in great benefit to science. These were largely the result of the interest of Hon. A. P. Upshur, Secretary of the Navy, at whose instance President Tyler abolished the existing Board of Naval Commissioners, and vested the authority formerly exercised by them in separate bureaus. To many of the pressing necessities for reform of the service, Lieutenant Maury had called attention in his essays, published in the *Southern Literary Messenger*, under the title of "Scraps from a Lucky Bag," and over the signature of "Harry Bluff." As a result of this movement, experiments in applying steam to war vessels were actively prosecuted, and the first bill was passed for the establishment at Annapolis of the U. S. Naval Academy, finally accomplished in 1845, and a little later (in 1848) the position of the professors of mathematics in the Navy was dignified and improved, and their numbers limited, with manifest advantage to the scientific service of the Government.*

Indirectly, the reorganization of the Navy had a powerful influence in the development of the Coast Survey, which was reorganized in 1843–'44, with Alexander Dallas Bache as its superintendent, for this new system afforded ample means to that organization for ascertaining the topography of this coast, and making contributions to the science of ocean physics.

Another enterprise was the sending of the Fremont exploring expedition to California and Oregon. It is interesting to know that Captain Fremont was appointed the leader of this expedition against the indignant protests of the topographical engineers, who insisted that a graduate of West Point should be chosen.†

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* The names of W. A. Chauvenet, J. H. C. Coffin, Mordecai Yarnall, Joseph Winlock, Simon Newcomb, Asaph Hall, William Harkness, and J. R. Eastman are a few of those to be found on this list of astronomers and mathematicians.

† The secret history of this appointment is told as follows by Dr. Silas Reed, of Boston, in Lyon G. Tyler's "Letters and Times of the Tylers" (II, p. 696).

"I called upon Mr. Tyler the next day and found him about as well pleased over the result as I was, as it constituted a triumph that had never been

The final establishment of the Naval Observatory took place also at this time. The history of this enterprise from the scientific stand-point, has already been discussed, but it may be well to note that it derived its chief political support from Mr. Upshur, then Secretary of the Navy.*

achieved before (nor since), as shown by the annals of the Senate. While in this pleasant mood, the President asked me if I could not suggest some means by which he might soften the asperities of Senator Benton towards him and his administration. In an instant the thought passed through my mind as to how he could best accomplish his wish. I said, "You have it in your power to touch his heart through his domestic afflictions. Six months ago his pride was humbled by the marriage of his highly educated daughter, Jessie, to a mere lieutenant of the United States Engineer Corps, and he refused them his house. I have just learned that lately he invited them to return to his home, and know they have done so. Now, you have a chance to gladden the Senator's pride and by so doing serve both yourself and the country by taking Lieutenant Fremont by the hand and giving him a chance to rise in the world by appointing him to head an expedition to explorethe Rocky Mountains and some part of the Pacific coast."

Mr. Tyler thought it might stir an excitement with the higher grade officers of the engineer corps (as it did), and that he might not be fully competent to execute the high duties entrusted to him. I replied that these objections need not prevent his appointment, for Lieutenant Fremont had spent the last two years aiding the eminent French scientist, Nicollet, in taking the hydrography of the valley of the Mississippi, and must be familiar with all instruments and modes of using them in such an expedition, and even if he should not prove judicious in selecting scientific men suitable for that part of his corps, he would have the able assistance of Colonel Benton and his talented wife to fall back upon; and that Senator Benton, on the return of Mr. Fremont, would receive, examine, and present his report to the Senate, and take great pride in making an eloquent speech of it (as he did), and thus cause the American reader to examine and well consider its instructive contents, all of which events took place, and the report of his first, if not his second, expedition gained sufficient notoriety to insure its republication in German.

At the close of our interview the President, in his most earnest manner, said: "I will at once appoint Lieutenant Fremont to the head of such an expedition and start him off this spring, so that the country may know as soon as possible what to say and believe of that vast and unknown region, and I shall learn how much effort to expend in striving to acquire it by purchase from Mexico by the time that Texas can be annexed."

Fremont made ready to start from St. Louis with his expedition as soon as there was green grass to subsist his animals upon, with an outfit of fifty to sixty men; after leaving Independence, Mo., he moved up the Platte River and its north branches to the old "South Pass," and thence to the head waters of Snake (or Lewis) River, and down it and the Columbia River to Astoria, thus avoiding Mexican territory, but kept close along its northern border until after he entered Oregon Territory.

* "Letters and Times of the Tylers," by Lyon Gardner Tyler, II p. 387.

To this period belongs also the promotion of experiments with the electric telegraph by our Government. The line from Washington to Baltimore was erected by means of an appropriation of $30,000, the passage of which was warmly urged by the President, who fifteen years later wrote the following letter, full of historical reminiscences.

SHERWOOD FOREST, *September* 1, 1858.

To his honor the mayor, and to the honorable the common council of the city of New York:

GENTLEMEN: In consequence of my absence from this place, I did not receive until to-day your polite invitation to be present at the festivities of to-day, and the municipal dinner to be given to Cyrus W. Field, esq., and others at the Metropolitan Hotel to-morrow, in commemoration of the laying of the "Atlantic cable." To be present, therefore, at the time appointed is a thing impossible. All that I can do is to express my cordial concurrence with you in according all praise to those through whose indomitable energy this great work has been accomplished.

When, in 1843, a modest and retired gentleman, the favored child of science, called upon me at the Executive Mansion, to obtain from me some assurance of my co-operation with him in procuring from Congress a small appropriation to enable him to test his great invention; and when at an after-day I had the satisfaction of placing my signature in approval of the act making an appropriation of $30,000, to enable him to connect Washington with Baltimore by his telegraph wire; and when at a still later day I had the pleasure, from the basement of the Capitol to exchange greetings with the Chief-Justice of the United States, who was at the Baltimore end of the line, I confess that it had not entered my mind that not only was lightning to become the messenger of thought over continents of dry land, but that the same all pervading agent was to descend into the depths of the ocean, far below the habitations of living things, and over these fathomless depths to convey, almost in the twinkling of an eye, tidings from nation to nation, and continent to continent. To the great inventor of this, the greatest invention, is due the laurel wreath that can never wither, and to those that have given it a habitation and a home in the waters of the great deep all praise is due.

With sentiments of high consideration, I have the honor to be, most respectfully and truly yours, etc.,

JOHN TYLER.

President Polk served from 1845 to 1849. During this period was organized the Smithsonian Institution, which, though it bears the name of a private citizen and a foreigner, has been for nearly half a century one of the principal rallying points of the scientific workers of America. It has also been inti-

mately connected with very many of the most important scientific undertakings of the Government.

Many wise and enlightened scholars have given to the Smithsonian Institution the best years of their lives, and some of the most eminent scientific men of our country have passed their entire life-time in work for its success. Its publications, six hundred and seventy in number, which when combined make up over one hundred dignified volumes, are to be found in every important library in the world, and some of them, it is safe to say, on the working-table of every scientific investigator in the world who can read English.

Through these books, through the reputation of the men who have worked for it and through it, and through the good accomplished by its system of international exchange, by means of which within the past thirty-eight years 1,262,114 packages of books and other scientific and literary materials have been distributed to every region of the earth, it has acquired a reputation at least as far-reaching as that of any other institution of learning in the world.

No one has been able to show why Smithson selected the United States as the seat of his foundation. He had no acquaintances in America, nor does he appear to have had any books relating to America except two. Rhees quotes from one of these, "Travels through North America," by Isaac Weld, secretary of the Royal Society, a paragraph concerning Washington, then a small town of five thousand inhabitants, in which it is predicted that "the Federal city, as soon as navigation is perfected, will increase most rapidly, and that at a future day, if the affairs of the United States go on as rapidly as they have done, it will become the grand emporium of the West, and rival in magnitude and splendor the cities of the whole world."

Inspired by a belief in the future greatness of the new nation, realizing that while the needs of England were well met by existing organizations such as would not be likely to spring up for many years in a new, poor, and growing country, he founded in the new England an institution of learning, the civilizing power of which has been of incalculable value. Who can attempt to say what the condition of the United States would have been to-day without this bequest?

In the words of John Quincy Adams:

Of all the foundations of establishments for pious or charitable uses which ever signalized the spirit of the age, or the comprehensive beneficence of the founder, none can be named more deserving the approbation of mankind.

The most important service by far which the Smithsonian Institution has rendered to the nation has been that from year to year since 1846—intangible, but none the less appreciable—has been its constant co-operation with the Government, public institutions, and individuals in every enterprise, scientific or educational, which needed its advice, support, or aid from its resources.

There have been, however, material results of its activities, the extent of which can not fail to impress any one who will look at them; the most important of these are the *library* and the *museum*, which have grown up under its fostering care.

The library has been accumulated without aid from the Treasury of the United States: it has, in fact, been the result of an extensive system of exchanges, the publications of the institution having been used to obtain similar publications from institutions of learning in all parts of the world.

In return for its own publications the Institution has received the great collection of books which form its library.

This library, consisting of more than a quarter of a million volumes and parts of volumes, has for over twenty years been deposited at the Capitol as a portion of the Congressional Library, and is constantly being increased. In the last fiscal year nineteen thousand titles were thus added to the national collection of books.

Chiefly through its exchange system the Smithsonian had, in 1865, accumulated about forty thousand volumes, largely publications of learned societies, containing the record of the actual progress of the world in all that pertains to the mental and physical development of the human family, and affording the means of tracing the history of at least every branch of positive science since the days of revival of letters until the present time.

These books, in many cases presents from old European libraries, and not to be obtained by purchase, formed even then one of the best collections of the kind in the world.

The danger incurred from the fire of that year, and the fact that the greater portion of these volumes, being unbound and crowded into insufficient space, could not be readily consulted, while the expense to be incurred for this binding, enlarged room, and other purposes connected with their use threatened to grow beyond the means of the Institution, appear to have been the moving causes which determined the regents to accept

an arrangement by which Congress was to place the Smithsonian library with its own in the Capitol, subject to the right of the Regents to withdraw the books on paying the charges of binding, etc. Owing to the same causes (which have affected the library of Congress itself) these principal conditions, except as regards their custody in a fire-proof building, have never been fulfilled.

The books are still deposited chiefly in the Capitol, but though they have now increased from 40,000 to fully 250,000 volumes and parts of volumes, forming one of the most valuable collections of the kind in existence, they not only remain unbound, but in a far more crowded and inacessible condition than they were before the transfer. It is hardly necessary to add that these facts are deplored by no one more than by the Librarian of Congress.

The purchasing power of the publications of the Institution, when offered in exchange, is far greater than that of money, and its benefit is exerted chiefly in behalf of the National Library, and also, to a considerable extent, in behalf of the National museum.

The amount expended during the past forty years from the private fund of the Institution, in the publication of books for gratuitous distribution, has been $350,000, a sum nearly half as great as the original Smithson bequest.

These publications have had their influence for good in many ways, but in addition to this, a library much more than equal in value to the outlay has, through their buying power, come into the possession of the nation.

In addition to all this, a large amount of material has been acquired for the Museum by direct expenditure from the private fund of the Smithsonian Institution. The value of the collections thus acquired is estimated to be more than equal to the whole amount of the Smithsonian bequest.

The early history of the Museum was much like that of the library. It was not until 1858 that it became the authorized depository of the scientific collections of the Government—and it was not until after 1876 that it was officially recognized as the National Museum of the United States.

But for the provident forethought of the organizers of the Smithsonian Institution, the United States would probably still be without even a reputable nucleus for a National Museum, or a scientific library.

For nearly half a century the Institution has been the object of the watchful care of many of America's most enlightened public men. Vice-Presidents Fillmore and Dallas, and Roger B. Taney, Salmon P. Chase, Morrison R. Waite, and Melville W. Fuller, chief-justices of the United States, have in succession occupied the Chancellor's chair. George Bancroft, John C. Breckinridge, Lewis Cass, Rufus Choate, Samuel S. Cox, Schuyler Colfax, Garrett Davis, Jefferson Davis, Stephen A. Douglas, William H. English, William P. Fessenden, James A. Garfield, Hannibal Hamlin, Henry W. Hilliard, George P. Marsh, James M. Mason, Justin S. Morrill, Robert Dale Owen, James A. Pearce, William C. Preston, Richard Rush, General W. T. Sherman, Lyman Trumbull, and William A. Wheeler have been at various times leaders in the deliberations of the Board of Regents.

The representatives of science on the board, Professor Agassiz, Professor Bache, Professor Coppee, Professor Dana, General Delafield, Professor Felton, Professor Gray, Professor McLean, General Meigs, President Porter, General Totten, and Dr. Welling have usually held office for long periods of years, and have given to its affairs the most careful attention and thought.

The relation of the Smithsonian Institution to the Government has been unique and unparalleled elsewhere. No one will question the assertion that the results of its work have been far wider than those which its annual reports have ever attempted to show forth.

During the administration of Van Buren and the succeeding ones, Governmental science, stimulated by Bache, Henry, and Maury, scientific administrators of a new and more vigorous type than had been previously known in Washington, rapidly advanced, and prior to 1861 the institutions then existing had made material progress.

Those of more recent growth, such as the Army Medical Museum, founded in 1862,* the Bureau of Education, founded in 1867,† the Fish Commission, founded in 1870,‡ the Bureau of

*See J. S. Billings: "Medical Museums, with Special Reference to the Army Medical Museum at Washington." President's address, delivered before the Congress of American Physicians and Surgeons, September 20, 1888.

†See the eighteen annual reports of the Commission of Education.

‡See G. Brown Goode: "The Status of the U. S. Fish Commission in 1884," etc. Washington, 1884.

Ethnology, founded in 1879,* although not less important than many of those already discussed, are so recent in origin that the events connected with their development have not passed into the domain of history.

The material results of the scientific work of the Government during the past ten years undoubtedly surpass in extent all that had been accomplished during the previous hundred years of the independent existence of the nation. With this recent period the present paper has no concern, for it has been written from the stand-point of Carlyle, who, in "Sartor Resartus," states his belief that "in every phenomenon the beginning remains always the most notable moment."

It is nevertheless very encouraging to be assured that the attitude of our Government toward scientific and educational enterprises is every year becoming more and more in harmony with the hopes of the founders of our Republic—and in accord with the views of such men as Washington, Franklin, Jefferson, John Adams, Madison, Monroe, John Quincy Adams, Gallatin, and Rush.

It is also encouraging to know that the national attitude toward science is the subject of constant approving comment in Europe. Perhaps the most significant recent utterance was that of Sir Lyon Playfair in his address before the British Association for the Advancement of Science, at the Aberdeen meeting. He said:

> On September 14, 1859, I sat on this platform and listened to the eloquent address and wise counsel of the Prince Consort. At one time a member of the household, it was my privilege to co-operate with this illustrious prince in many questions relating to the advancement of science. I naturally, therefore, turned to his presidential address to see whether I might not now continue those counsels which he then gave with all the breadth and comprehensiveness of his masterly speeches. I found, as I expected, a text for my own discourse in some pregnant remarks which he made upon the relation of science to the State. They are as follows: "We may be justified in hoping * * * that the legislature and the State will more and more recognize the claims of science to their attention, so that it may no longer require the begging-box, but speak to the State like a favored child to its parent, sure of his paternal solicitude for its welfare; that the State will recognize in science one of its elements of strength and prosperity, to foster which the clearest dictates of self-interest demand."
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> This opinion, in its broadest sense, means that the relations of science to the State should be made more intimate because the advance of science is needful to the public weal.

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*See the six annual reports of the Bureau, and the Smithsonian reports, 1879–'88.

The importance of promoting science as a duty of statecraft was well enough known to the ancients, especially to the Greeks and Arabs, but it ceased to be recognized in the dark ages, and was lost to sight during the revival of letters in the fifteenth and sixteenth centuries. Germany and France, which are now in such active competition in promoting science, have only publicly acknowledged its national importance in recent times. Even in the last century, though France had its Lavoisier and Germany its Leibnitz, their Governments did not know the value of science. When the former was condemned to death in the Reign of Terror, a petition was presented to the rulers that his life might be spared for a few weeks in order that he might complete some important experiments, but the reply was: "The Republic has no need of savants." Earlier in the century the much-praised Frederick William of Prussia shouted with a loud voice, during a graduation ceremony in the University of Frankfort: "An ounce of mother-wit is worth a ton of university wisdom." Both France and Germany are now ashamed of these utterances of their rulers, and make energetic efforts to advance science with the aid of their national resources. More remarkable is it to see a young nation like the United States reserving 150,000,000 acres of national lands for the promotion of scientific education. In some respects this young country is in advance of all European nations in joining science to its administrative offices. Its scientific publications are an example to other Governments. The Minister of Agriculture is surrounded with a staff of botanists and chemists. The Home Secretary is aided by a special scientific commission to investigate the habits, migrations, and food of fishes, and the latter has at its disposal two specially constructed steamers of large tonnage.

In the United Kingdom we are just beginning to understand the wisdom of Washington's farewell address to his countrymen when he said: "Promote, as an object of primary importance, institutions for the increase and diffusion of knowledge; in proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened."

APPENDIX A.

PLAN OF A FEDERAL UNIVERSITY.

[From the *Pennsylvania Gazette*, 1788. Quoted in the *Massachusetts Centinel*, Saturday, Nov. 29, 1788.]

"Your government can not be executed, it is too extensive for a republick; it is contrary to the habits of the people," say the enemies of the Constitution of the United States. However opposite to the opinions and wishes of a majority of the citizens of the United States these declarations and predictions may be, they will certainly come to pass, unless the people are prepared for our new form of government, by an education adapted to the new and peculiar situation of our country. To effect this great and necessary work, let one of the first acts of the new Congress be, to establish, within the district to be allotted for them, a Federal University, into which the youth of the United States shall be received after

they have finished their studies and taken degrees in the colleges of their respective States. In this University let those branches of literature only be taught which are calculated to prepare our youth for public and civil life. These branches should be taught by means of lectures, and the following arts and sciences should be the subject of them:

1. The principles and forms of government applied in a particular manner to the explanation of every part of the Constitution and laws of the United States, together with the laws of nature and nations, which last should include everything that relates to peace, war, treaties, ambassadours, and the like.

2. History, both ancient and modern, and chronology.

3. Agriculture in all numerous and extensive branches.

4. The principles and practice of manufactures.

5. History, principles, objects, and channels of commerce.

6. Those parts of mathematics which are necessary to the division of property, to finance, and to the principles and practice of war—for there is too much reason to fear that war will continue, for some time to come, to be the unchristian mode of deciding disputes between Christian nations.

7. Those parts of natural philosophy and chemistry which admit of an application to agriculture, manufacture, commerce, and war.

8. Natural History, which includes the history of animals, vegetables, and fossils. To render instruction in these branches of science easy, it will be necessary to establish a museum, and also a garden, in which not only all the shrubs, etc., but all the forest trees of the United States should be cultivated. The great Linnæus of Upsal enlarged the commerce of Sweden by his discoveries in natural history, he once saved the Swedish Navy by finding out the time in which a worm laid its eggs and recommending the immersion of the timber of which the ships were built at that season wholly under water. So great were the services this illustrious naturalist rendered his country by the application of his knowledge to agriculture, manufacture, and commerce, that the present King of Sweden pronounced an eulogium upon him, from his throne, soon after his death.

9. Philology, which should include, under rhetoric and criticism, lectures upon the construction and pronunciation of the English language. Instruction in this branch of literature will become the more necessary in America, as our intercourse must soon cease with the bar, the stage, and the pulpits of Great Britain, from whence we receive our knowledge of the pronunciation of the English language. Even modern English books should cease to be the models of stile in the United States. The present is the age of simplicity in writing in America. The turgid stile of Johnson, the purple glare of Gibbon, and even the studied and thickest metaphours of Junius are all equally unnatural, and should not be admitted into our country. The cultivation and perfection of our language becomes a matter of consequence when viewed in another light. It will probably be spoken by more people in the course of two or three centuries than ever spoke any one language at one time since the creation of the world. When we consider the influence which the prevalence of only two languages, viz, the English and the Spanish, in the extensive regions of North and South America, will have upon manners, commerce, knowledge, and civilization, scenes of human happiness and glory open before us which elude from their magnitude the utmost grasp of the human understanding.

10. The German and French languages should be taught in this University, the many excellent books which are written in both these languages upon all subjects, more especially upon those which relate to the advancement of national improvements of all kinds, will render a knowledge of them an essential part of the education of a legislator of the United States.

11. All those athletick and manly exercises should likewise be taught in the University which are calculated to impart health, strength, and elegance to the human body.

To render the instruction of our youth as easy and extensive as possible in several of the above mentioned branches of literature, let four young men of good education and active minds be sent abroad at public expense, to collect and transmit to the professors of the said branches all the improvements that are daily made in Europe in agriculture, manufactures, and commerce, and in the arts of war and practical government, this measure is rendered the more necessary from the distance of the United States from Europe, by which means the rays of knowledge strike the United States so partially that they can be brought to a useful focus, only by employing suitable men to collect and transmit them to our country. It is in this manner that the northern nations of Europe have imported so much knowledge from their southern neighbors, that the history of the agriculture, manufactures, commerce, revenues, and military art of *one* of these nations will soon be alike applicable to all of them.

Besides sending four young men abroad to collect and transmit knowledge for the benefit of our country, *two* young men of suitable capacities should be employed, at the public expense, in exploring the vegetable, mineral, and animal productions of our country, in procuring histories and samples of each of them, and in transmitting them to the Professor of Natural History. It is in consequence of the discoveries made by young gentlemen employed for these purposes, that Sweden, Denmark, and Russia have extended their manufactures and commerce so as to rival in both the oldest nations in Europe.

Let the Congress allow a liberal salary to the Principal of this University. Let it be his business to govern the students, and to inspire them by his conversation and by his occasional publick discourses, with federal and patriotic sentiments. Let this Principal be a man of extensive education, liberal manners, and dignified deportment.

Let the Professors of each of the branches that have been mentioned have a moderate salary of 150 or 200 pounds a year, and let them depend upon the number of their pupils to supply the deficiency of their maintenance from their salaries. Let each pupil pay for each course of lectures two or three guineas.

Let the degrees conferred in this University receive a new name, that shall designate the design of an education for civil and publick life. Should this plan of a Federal University, or one like it, be adopted, then will begin the golden age of the United States. While the business of education in Europe consists in lectures upon the ruins of Palmyra and the antiquities of Herculaneum; or in dispute about Hebrew points, Greek particles, or the accent and quantity of the Roman language, the youth of America will be employed in acquiring those branches of knowledge which increase the convenience of life, lessen human misery, improve our country, promote

population, exalt the human understanding, and establish domestick, social, and political happiness.

Let it not be said, that this is not the *time* for such a literary and political establishment. Let us first restore publick credit, by funding or paying our debts—let us regulate our militia—let us build a navy—and let us protect and extend our commerce. After this we shall have leisure and money to establish a University for the purposes that have been mentioned. This is false reasoning. We shall never restore publick credit—regulate our militia—build a navy—or revive our commerce, until we remove the ignorance and prejudices, and change the habits of our citizens, and this can never be done until we inspire them with federal principles, which can only be effected by our young men meeting and spending two or three years together in a National University, and afterwards disseminating their knowledge and principles through every county, town, and village of the United States. Until this is done—Senators and Representatives of the United States, you will undertake to make bricks without straw. Your supposed union in Congress will be a rope of sand. The inhabitants of Massachusetts began the business of government by establishing the University of Cambridge, and the wisest Kings in Europe have always found their literary institutions the surest means of establishing their power, as well as promoting the prosperity of their people.

These hints for establishing the constitution and happiness of the United States upon a permanent foundation are submitted to the friends of the federal government, in each of the States, by a Private Citizen of Pennsylvania.

APPENDIX B.

ADDRESS TO THE PEOPLE OF THE UNITED STATES, BY BENJAMIN RUSH, M. D., 1787.

[Reprinted from Niles's, "Principles and Acts of the Revolution in America," pp. 402-404.]

There is nothing more common than to confound the terms of *American Revolution* with those of *the late American war*. The American war is over, but this is far from being the case with the American Revolution. On the contrary, nothing but the first act of the great drama is closed. It remains yet to establish and perfect our new forms of government, and to prepare the principles, morals, and manners of our citizens for these forms of government after they are established and brought to perfection.

The confederation, together with most of our State constitutions, was formed under very unfavorable circumstances. We had just emerged from a corrupted monarchy. Although we understood perfectly the principles of liberty, yet most of us were ignorant of the forms and combinations of power in republics. Add to this, the British army was in the heart of our country, spreading desolation wherever it went; our resentments, of course, were awakened. We deserted the British name, and, unfortunately, refused to copy some things in the administration of justice and power in the British government which have made it the envy and admiration of the world. In our opposition to monarchy, we forgot that the temple of tyranny

has two doors. We bolted one of them by the proper restraints, but we left the other open by neglecting to guard against the effects of our own ignorance and licentiousness. Most of the present difficulties of this country arise from the weakness and other defects of our governments.

My business at present shall be only to suggest the defects of the confederation. These consist—1st. In the deficiency of coercive power. 2d. In a defect of exclusive power to issue paper money and regulate commerce. 3d. In vesting the sovereign power of the United States in a single legislature; and, 4th, in the too frequent rotation of its members.

A convention is to sit soon for the purpose of devising means of obviating part of the two first defects that have been mentioned. But I wish they may add to their recommendations to each State, to surrender up to Congress their power of emitting money. In this way, a uniform currency will be produced, that will facilitate trade, and help to bind the States together. Nor will the States be deprived of large sums of money by this mean, when sudden emergencies require it, for they may always borrow them, as they did during the war, out of the treasury of Congress. Even a loan office may be better instituted in this way in each State than in any other.

The two last defects that have been mentioned are not of less magnitude than the first. Indeed, the single legislature of Congress will become more dangerous from an increase of power than ever. To remedy this, let the supreme federal power be divided, like the legislatures of most of our States, into two distinct, independent branches. Let one of them be styled the Council of the States, and the other the Assembly of the States. Let the first consist of a single delegate, and the second of two, three, or four delegates, chosen annually by each State. Let the President be chosen annually by the joint ballot of both Houses, and let him possess certain powers, in conjunction with a privy council, especially the power of appointing most of the officers of the United States. The officers of the United States. The officers will not only be better when appointed in this way, but one of the principal causes of faction will be thereby removed from Congress. I apprehend this division of the power of Congress will become more necessary as soon as they are invested with more ample powers of levying and expending the public money.

The custom of turning men out of power or office as soon as they are qualified for it has been found to be as absurd in practice as it is virtuous to dismiss a general, a physician, or even a domestic, as soon as they have acquired knowledge sufficient to be useful to us, for the sake of increasing the number of able generals, skilful physicians, and faithful servants? We do not. Government is a science, and can never be perfect in America until we encourage men to devote not only three years but their whole lives to it. I believe the principal reason why so many men of abilities object to serving in Congress is owing to their not thinking it worth while to spend three years in acquiring a profession which their country immediately afterwards forbids them to follow.

There are two errors or prejudices on the subject of government in America which lead to the most dangerous consequences.

It is often said "that the sovereign and all other power is seated *in* the people." This idea is unhappily expressed. It should be, "all power is derived *from* the people"; they possess it only on the days of their elections.

After this, it is the property of their rulers; nor can they exercise or resume it, unless it be abused. It is of importance to circulate this idea, as it leads to order and good government.

The people of America have mistaken the meaning of the word sovereignty, hence each State pretends to be *sovereign*. In Europe it is applied only to those States which possess the power of making war and peace, of forming treaties, and the like. As this power belongs only to Congress, they are the only *sovereign* power in the United States.

We commit a similar mistake in our ideas of the word independent. No individual State, as such, has any claim to independence; she is independent only in a union with her sister States in Congress.

To conform the principles, morals and manners of our citizens, to our republican forms of government, it is absolutely necessary that knowledge of every kind should be disseminated through every part of the United States.

For this purpose, let Congress, instead of laying out half a million of dollars in building a federal town, appropriate only a fourth of that sum in founding a federal university. In this university let every thing connected with government, such as history—the law of nature and nations—the civil law—the municipal laws of our country—and the principles of commerce—be taught by competent professors. Let masters be employed likewise to teach gunnery, fortification, and every thing connected with defensive and offensive war. Above all, let a professor of, what is called in the European universities, economy, be established in this federal seminary. His business should be to unfold the principles and practice of agriculture and manufactures of all kind, and to enable him to make his lectures more extensively useful, Congress should appoint a travelling correspondent for him, who should visit all the nations of Europe, and transmit to him, from time to time, all the discoveries and improvements that are made in agriculture and manufactures. To this seminary young men should be encouraged to repair, after completing their academical studies in the colleges of their respective States. The honors and offices of the United States should, after a while, be confined to persons who had imbibed federal and republican ideas in this university.

For the purpose of diffusing knowledge, as well as extending the living principle of government to every part of the United States—every State—city—county—village—and township in the Union, should be tied together by means of the post-office. This is the true non-electric wire of government. It is the only means of conveying heat and light to every individual in the federal commonwealth. "Sweden lost her liberties," says the Abbe Raynal, "because her citizens were so scattered, that they had no means of acting in concert with each other." It should be a constant injunction to the post-masters to convey newspapers free of all charge for postage. They are not only the vehicles of knowledge and intelligence, but the centinels of the liberties of our country.

The conduct of some of those strangers who have visited our country since the peace, and who fill the British papers with accounts of our distresses, shews as great a want of good sense, as it does of good-nature. They see nothing but the foundations and walls of the temple of liberty; and yet they undertake to judge of the whole fabric.

Our own citizens act a still more absurd part, when they cry out, after the experience of three or four years, that we are not proper materials for republican government. Remember we assumed these forms of government in a hurry, before we were prepared for them. Let every man exert himself in promoting virtue and knowledge in our country, and we shall soon become good republicans. Look at the steps by which governments have been changed, or rendered stable in Europe. Read the history of Great Britain. Her boasted government has risen out of wars and rebellions that lasted above six hundred years. The United States are travelling peaceably into order and good government. They know no strife but what arises from the collision of opinions; and, in three years, they have advanced further in the road to stability and happiness, than most of the nations of Europe have done, in as many centuries.

There is but one path that can lead the United States to destruction; and that is, their extent of territory. It is probable to effect this, that Great Britain ceded to us so much waste land. But even this path may be avoided. Let but one new State be exposed to sale at a time, and let the land-office be shut up, till every part of this new State be settled.

I am extremely sorry to find a passion for retirement so universal among the patriots and heroes of the war. They resemble skillful mariners who, after exerting themselves to preserve a ship from sinking in a storm in the middle of the ocean, drop asleep as soon as the waves subside, and leave the care of their lives and property during the remainder of the voyage to sailors without knowledge or experience. Every man in a republic is public property. His time and talents—his youth—his manhood—his old age—nay more, his life, his all, belong to his country.

Patriots of 1774, 1775, 1776—heroes of 1778, 1779, 1780! come forward! your country demands your services! Philosophers and friends of mankind, come forward! your country demands your studies and speculations! Lovers of peace and order, who declined taking part in the late war, come forward! your country forgives your timidity and demands your influence and advice! Hear her proclaiming, in sighs and groans, in her governments, in her finances, in her trade, in her manufactures, in her morals, and in her manners, "*the revolution is not over*!"

APPENDIX C.

PROSPECTUS OF A NATIONAL INSTITUTION, TO BE ESTABLISHED IN THE UNITED STATES.

By JOEL BARLOW, 1806.

[Reprinted from a defective copy of Barlow's pamphlet in the Congressional Library, supplemented by the reprint in the *National Intelligencer* of 1806, and a MS. copy in the possession of Dr. J. C. Welling.]

The project for erecting a university at the seat of the federal government is brought forward at a happy moment, and on liberal principles. We may therefore reasonably hope for an extensive endowment from the munificence of individuals, as well as from government itself. This expectation will naturally lead us to enlarge our ideas on the subject, and to give a greater

scope to its practical operation than has usually been contemplated in institutions of a similar nature.

Two distinct objects, which, in other countries have been kept asunder, may and ought to be united; they are both of great national importance; and by being embraced in the same Institution, they will aid each other in their acquisition. These are the advancement of knowledge by associations of scientific men, and the dissemination of its rudiments by the instruction of youth. The first has been the business of learned corporations, such as the Royal Society of London, and the National Institute of France; the second is pursued by collections of instructors, under the name of universities, colleges, academies, etc.

The leading principle of uniting these two branches of improvement in one Institution, to be extended upon a scale that will render it truly national, requires some development. We find ourselves in possession of a country so vast as to lead the mind to anticipate a scene of social intercourse and interest unexampled in the experience of mankind. This territory presents and will present such a variety of productions, natural and artificial, such a diversity of connections abroad, and of manners, habits, and propensities at home, as will create a strong tendency to diverge and separate the views of those who shall inhabit the different regions within our limits.

It is most essential to the happiness of the people and to the preservation of their republican principles, that this tendency to a separation should be overbalanced by superior motives to a harmony of sentiment; that they may habitually feel that community of interest on which their federal system is founded. This desirable object is to be attained, not only by the operations of the government in its several departments, but by those of literature, sciences, and arts. The liberal sciences are in their nature republican; they delight in reciprocal communication; they cherish fraternal feelings, and lead to a freedom of intercourse, combined with the restraints of society, which contribute together to our improvement.

To explore the natural productions of our country, give an enlightened direction to the labors of industry, explain the advantages of interior tranquillity, of moderation and justice in the pursuits of self-interest, and to promote as far as circumstances will admit, an assimilation of civil regulations, political principles and modes of education, must engage the solicitude of every patriotic citizen; as he must perceive in them the necessary means of securing good morals and every republican virtue; a wholesome jealousy of right and a clear understanding of duty; without which, no people can be expected to enjoy the one or perform the other for any number of years.

The time is fast approaching when the United States, if no foreign disputes should induce an extraordinary expenditure of money, will be out of debt. From that time forward, the greater part of their public revenue may, and probably will, be applied to public improvements of various kinds; such as facilitating the intercourse through all parts of their dominion by roads, bridges, and canals; such as making more exact surveys, and forming maps and charts of the interior country, and of the coasts, bays and harbors, perfecting the system of lights, buoys, and other nautical aids; such as encouraging new branches of industry, so far as may be advantageous to the public, either by offering premiums for discoveries, or by

purchasing from their proprietors such inventions as shall appear to be of immediate and general utility, and rendering them free to the citizens at large; such as exploring the remaining parts of the wilderness of our continent, both within and without our own jurisdiction, and extending to their savage inhabitants, as far as may be practicable, a taste for civilization, and the means of knowing the comforts that men are capable of yielding to each other in the peaceable pursuits of industry, as they are understood in our stage of society.

To prepare the way for the government to act on these great objects with intelligence, economy, and effect, and to aid its operations when it shall be ready to apply its funds to that purpose, will occupy in part the attention of that branch of the Institution composed of men of scientific research; whose labors, it is expected, will be in a great measure gratuitous. It cannot be too early, even at this moment, to direct the researches of science to occupations of this nature. By this means, at the end of the eleven years, the epoch at which the government may expect to be free of debt, the way can be prepared to begin with system, and proceed with regularity in the various details of public improvement; a business which, if the rulers of all nations did but know it, ought to be considered among the first of their duties, one of the principal objects of their appointment.

The science of political economy is still in its infancy; as indeed is the whole science of government, if we regard it as founded on principles analogous to the nature of man, and designed to promote his happiness. As we believe our government to be founded on these principles, we cannot but perceive an immense field of improvement opening before us; a field in which all the physical as well as the moral sciences should lend their aid and unite their operation, to place human society on such a footing in this great section of the habitable world, as to secure it against farther convulsions from violence and war. Mankind have a right to expect this example from us; we alone are in a situation to hold it up before them, to command their esteem, and perhaps their imitation. Should we, by a narrowness of views, neglect the opportunity of realizing so many benefits, we ought to reflect that it never can occur to us again; nor can we foresee that it will return to any age or nation. We should grievously disappoint the expectations of all good in other countries, we should ourselves regret our error while we live; and if posterity did not load us with the reproaches we should merit, it would be because our conduct will have kept them ignorant of the possibility of obtaining the blessings, of which it had deprived them.

It would be superfluous, in this Prospectus, to point out the objects merely scientific, that will naturally engage the attention of this branch of the Institution. We are sensible that many of the sciences, physical as well as moral, are very little advanced; some of them, in which we seem to have made considerable progress, are yet so uncertain as to leave it doubtful whether even their first principles do not remain to be discovered; and in all of them, there is a great deficiency as to the mode of familiarizing their results, and applying them to the useful arts of life, the true object of all labor and research.

What a range is open in this country for mineralogy and botany! How many new arts are to arise, and how far the old ones are to be advanced,

by the pursuit of these two sciences, it is impossible even to imagine. Chemistry is making a rapid and useful progress, though we still dispute about its elements. Our knowledge of anatomy has laid a necessary and sure foundation for surgery and medicine; surgery indeed is making great proficiency; but, after three thousand years of recorded experience, how little do we know of medicine! Mechanics and hydraulics are progressing fast, and wonderful are the facilities and comforts we draw from them; but while it continues to be necessary to make use of animal force to move heavy bodies in any direction by land or water, we have a right to anticipate new discoveries. Could the genius of a Bacon place itself on the high ground of all the sciences in their present state of advancement, and marshal them before him in so great a country as this, and under a government like ours, he would point out their objects, foretell their successes, and move them on their march, in a manner that should animate their votaries and greatly accelerate their progress.

The mathematics, considered as a science, may probably be susceptible of higher powers than it has yet attained; considered as the handmaid of all the sciences and all the arts, it doubtless remains to be simplified. Some new processes, and perhaps new modes of expressing quantities and numbers, may yet be discovered, to assist the mind in climbing the difficult steps that lead to an elevation so much above our crude conceptions; an elevation that subjects the material universe, with all its abstractions of space and time, to our inspection; and opens, for their combinations, so many useful and satisfying truths.

Researches in literature, to which may be united those in morals, government, and laws, are so vague in their nature, and have been so little methodized, as scarcely to have obtained the name of sciences. No man has denied the importance of these pursuits; though the English nation, from whom we have borrowed so many useful things, has not thought proper to give them that consistency and standing among the objects of laudable ambition, to which they are entitled. Men the most eminent in these studies have not been members of their learned associations. Locke, Berkeley, Pope, Hume, Robertson, Gibbon, Adam Smith, and Blackstone, were never admitted into the Royal Society. This is doubtless owing to the nature of their government; though the government itself exerts no influence in these elections. The science of morals connects itself so intimately with the principles of political institutions, that where it is deemed expedient to keep the latter out of sight, it is not strange that the former should meet no encouragement.

This policy is strikingly exemplified in the history of the French Institute. That learned and respectable body was incorporated by the National Convention in the year 1795, and took place of all the old academies, which had been previously abolished. It was composed of three classes, according to the objects to be pursued by its members. The first was the class for the physical sciences, the second was the class for the moral and political sciences, the third was for the fine arts. Thus it went on and made great progress in several branches, till the year 1803, when Bonaparte's government assumed that character which rendered the pursuit of moral and political science inconvenient to him. He then new modeled the Institute, and abolished that class. But lest his real object should be per-

ceived and he be accused of narrowing the compass of research, he created two new classes in the room of this; one for ancient literature, and one for the French language. On the same occasion an order was issued to all the colleges and great schools in France, suppressing the professorships of moral and political philosophy.

But in our country, and at this early epoch in the course of republican experiment, no subjects of research can be more important than those embraced by these branches of science. Our *representative* system is new in practice, though some theories of that sort have been framed by speculative writers; and partial trials have been made in the British Dominions. But our *federal* system, combined with democratical representation, is a magnificent stranger upon earth; a new world of experiment, bursting with incalculable omens on the view of mankind. It was the result of circumstances which no man could foresee, and no writer pretended to contemplate. It presented itself to us from the necessity of the situation we were in; dreaded at first as an evil by many good men in our own country, as well as by our friends in Europe; and it is at this day far from being understood, or properly appreciated, by the generality of those who admire it. Our practice upon it, as far as we have gone, and the vast regions of our continent that present themselves to its embrace, must convince the world that it is the greatest improvement on the mechanism of government that has ever been discovered, the most consoling to the friends of liberty, humanity, and peace.

Men who have grown old in the intrigues of cabinets, and those who, in the frensy of youthful ambition, present themselves on the theater of politics, at the head of armies, which they cannot live without, are telling us that 'no new principle of government has been discovered for these two thousand years';* and that all proposals to ameliorate the system are vain abstractions, unworthy of a sound philosophy. They may tell us too that no new principle in mechanics had been discovered since we came to the knowledge of the lever; no new principle in war, since we first found that a man would cease to fight the moment he was killed. Yet we see in the two latter cases that new *combinations* of principle have been discovered; they are daily now discovered and carried into practice. In these there are no books written to inform us we can go no further; no imperial decrees to arrest our progress. Why then should this be the case in those combinations of the moral sense of man, which compose the science of government?

But whether we consider the principles themselves as new, or the combination only as new, the fact with respect to our government is this: although the principle has long since been known that the powers necessarily exercised in regulating a great community, originate in the people at large, and that these powers cannot conveniently be exercised by the people at large; yet it was not discovered how these powers could be conveniently exercised by a few delegates, in such a manner as to be constantly kept within the reach of the people at large, so as to be controlled by them without a convulsion. But a mode of doing this has been discovered in later years, and is now for the first time carried into practice in our country; I

*This is asserted in a book written to support the present government of France. I forget the title.

do not say in the utmost perfection of which the principle is capable; yet in a manner which greatly contributes, with our other advantages, to render us the happiest people on earth. Again although the principle has long since been known, that good laws faithfully executed within a state, would protect the industry of men, and preserve interior tranquillity; yet no method was discovered which would effectually preserve exterior tranquillity between state and state. Treaties were made, oaths were exacted, the name of God was invoked, forts, garrisons, and armies were established on their respective frontiers; all with the sincere desire, no doubt, of preserving peace. The whole of these precautions have been constantly found ineffectual. But we at last, and almost by accident, have discovered a mode of preserving peace among states, without any of the old precautions; which were always found extremely expensive, destructive to liberty, and incapable of securing the object. We have found that states have some interests that are common and mutual among themselves; that so far as these interests go, the states should not be independent; that without losing any thing of their dignity, but rather increasing it, they can bind themselves together by federal government, composed of their own delegates, frequently and freely elected, to whom they can confide these common interests; and that by giving up to these delegates the exercise of certain acts of sovereignty, and retaining the rest to themselves, each state puts it out of its own power to withdraw from the confederation, and out of the power of the general government to deprive them of the rights they have retained.

If these are not new principles of government, they are at least new combinations of principles, which require to be developed, studied and understood better than they have been, even by ourselves; but especially by the rising generation, and by all foreign observers who shall study our institutions. Foreigners will thus give us credit for what we have done, point out to our attentiod what we have omitted to do, and perhaps aid us with their lights, in bringing towards perfection a system, which may be destined to ameliorate the condition of the human race.

It is in this view that moral and political research ought to be regarded as one of the most important objects of the National Institution, the highest theme of literary emulation, whether in prose or verse, the constant stimulus to excite the ambition of youth in the course of education.

What are called the fine arts, in distinction from what are called the useful, have been but little cultivated in America. Indeed, few of them have yet arrived, in modern times, to that degree of splendor which they had acquired among the ancients. Here we must examine an opinion, entertained by some persons, that the encouragement of the fine arts savors too much of luxury, and is unfavorable to republican principles. It is true, as is alleged, they have usually flourished most under despotic governments; but so have corn and cattle. Republican principles have never been organized or understood, so as to form a government, in any country but our own. It is therefore from theory, rather than example, that we must reason on this subject. There is no doubt but that fine arts, both in those who cultivate and those who only admire them, open and expand the mind to great ideas. They inspire liberal feelings, create a harmony of temper, favorable to a sense of justice and a habit of moderation in our social intercourse.

By increasing the circle of our pleasures, they moderate the intensity with which pleasures, not dependent on them, would be pursued. In proportion as they multiply our wants, they stimulate our industry, they diversify the objects of our ambition, they furnish new motives for a constant activity of mind and body, highly favorable to the health of both. The encouragement of a taste for elegant luxuries discourages the relish for luxuries that are gross and sensual, debilitating to the body, and demoralizing to the mind. These last, it must be acknowledged, are prevailing in our country; they are perhaps the natural growth of domestic affluence and civil liberty. The government, however mild and paternal, cannot check them by any direct application of its powers, without improper encroachments on the liberty and affluence, that give them birth. But a taste for the elegant enjoyments which spring from the culture of the fine arts, excites passions not so irresistible, but that they are easily kept within the limits, which the means of each individual will prescribe. It is the friend of morals and of health; it supposes a certain degree of information; it necessitates liberal instruction; it cannot but be favorable to republican manners, principles, and discipline.

A taste for these arts is peculiarly desirable in those parts of our country, at the southward and westward, where the earth yields her rich productions with little labor, and leaves to the cultivator considerable vacancies of time and superfluities of wealth, which otherwise will, in all probability, be worse employed. The arts of drawing, painting, statuary, engraving, music, poetry, ornamental architecture, and ornamental gardening would employ a portion of the surplus time and money of our citizens; and at the same time be more likely to dispose their minds to devote another portion to charitable and patriotic purposes, than if the first portion had not been thus employed.

In England there is a Royal Academy for the fine arts, as well as a Royal Society for the sciences; though men of merit in other learned labors are not associated. In France the two classes of eminent men who pursue the sciences and the arts, are united in the National Institute. Besides these, and besides the colleges and universities, there exists in each of these countries a variety of institutions useful in their different objects, and highly conducive to the general mass of public improvement, as well as to private instruction.

The French Government supports:

1. *The School of Mines*, an extensive establishment; where is preserved a collection of specimens from all the mines, wrought and unwrought, that are known to exist in that country; where, with the free use of a laboratory, lectures are given gratis one day in the week for nine months in the year, and where young men receive what is called a mineralogical education. At this place the proprietor of a mine, whether of metals, coals, or other valuable fossils, may have them examined without expense; and here he can apply for an able and scientific artist, recommended by the professors, to be the conductor of his works, as well in the engineering as the metallurgical branch.

2. *The School of Roads and Bridges;* whose title ought to extend likewise to canals, river navigation and hydraulic architecture; since it embraces all these objects. Here are preserved models and drawings of all the great

works, and many of the abortive attempts, in these branches of business. It is a curious and useful collection. This establishment too maintains its professors, who give lectures gratis, and produce among their pupils the ablest draftsmen and civil engineers, ready to be employed where the public service or private enterprise may require.

3. *The Conservatory of Arts;* meaning the useful arts and trades. This, in appearance, is a vast Babel of materials; consisting of tools, models, and entire machines, ancient and modern, good and bad. For it is often useful to preserve for inspection a bad machine. The professor explains the reason why it did not answer the purpose; and this either prevents another person from spending his time and money in pursuit of the same impracticable scheme, or it may lead his mind to some ingenious invention to remedy the defect and make it a useful object. Here is a professor for explaining the use of the machines, and for aiding the minister in discharging the duties of the patent office. Here likewise several trades are carried on, and persons are taught gratis the use of the tools by practice as well as by lectures.

4. *The Museum of Natural History.* This consists of a botanical garden, an extensive menagery, or collection of wild animals, and large cabinets of minerals. To this institution are attached several professorships; and lectures are given in every branch of natural history.

5. *The Museum of Arts;* meaning the fine arts. This is the school for painting, statuary, music, &c. The great splendor of this establishment consists chiefly in its vast gallery of pictures, and its awful synod of statues. These are as far beyond description as they are above comparison. Since, to the collections of the kings of France, the Government has added so many of the best productions of Italy, Flanders and Holland, there is no other assemblage of the works of art where students can be so well accommodated with variety and excellence, to excite their emulation and form their taste.

6. *The National Library.* This collection is likewise unparalleled both for the number and variety of works it contains; having about five hundred thousand volumes, in print and manuscript; besides all of value that is extant in maps, charts, engravings; and a museum of coins, medals and inscriptions, ancient and modern.

8. *The Mint;* which is a scientific as well as a laboratorial establishment; where lectures are given in mineralogy, metallurgy, and chemistry.

9. *The Military School;* where field engineering, fortification, gunnery, attack and defense of places, and the branches of mathematics, necessary to these sciences, are taught by experienced masters.

10. *The Prytaneum;* which is an excellent school of general science, more especially military and nautical; but it is exclusively devoted to what are called *enfans de la patrie,* children of the country, or boys adopted by the Government, and educated at the public expense. They are generally those whose fathers have died in the public service. But this distinction is often conferred on others, through particular favor. The school is supplied with able instructors; and the pupils are very numerous. They are taught to consider themselves entirely devoted to the service of their country, as is indicated both by their own appellation and that of their seminary.

11. *The College of France* retains all its ancient advantages, and has been improved by the revolution.

12. *The School of Medicine*, united with anatomy and surgery, is in able hands, and well conducted.

13. *The Veterinary School;* where practical and scientific lessons are given on the constitution and diseases of animals.

14. *The Observatory* is an appellation still retained by an eminent school of astronomy; though its importance has grown far beyond what is indicated by its name. It publishes the annual work called *la connaissance des tems;* a work not only of national but of universal utility for navigators and astronomers.

15. Another institution, whose functions have outgrown its name, is the *Bureau of Longitude.* It not only offers premiums for discoveries, tending to the great object of finding an easy method of ascertaining the longitude at sea, and judges of their merit; but it is the encourager and depositary of all nautical and geographical discoveries; and, in conjunction with the school of astronomy and that of natural history, it directs and superintends such voyages of discovery as the government chooses to undertake.

16. The last public establishment for liberal instruction, that I shall mention in the capital, though not the only remaining one that might be named, is the *Polytechnic School.* This, for the variety of sciences taught, the degree of previous attainment necessary for admission, the eminent talents of the professors, and the high state of erudition to which the pupils are carried, is doubtless the first institution in the world.

The Prytaneum, the Polytechnic School, the Museum of Arts, the Conservatory of Arts, and the Veterinary School, are new institutions, established during the revolution. The others existed before; but most of them have been much improved. There were likewise erected during the same period, a great number of provincial colleges. The general provision was to have one in each county, or department, of which there are upwards of a hundred in France. The provision likewise extended to what are called primary schools, to be erected and multiplied in every town and village. This is also executed in part, but not completely.

On the whole, the business of education in France is on a much better footing at present than it ever was before the revolution. The clamor that was raised by the emigrants against the convention, reproaching them with having destroyed education, were unfounded, and, we may almost say, the reverse of truth. Their plans on this subject were great, and in general good; much good indeed has grown out of them; though they have not been pursued by the government during its subsequent changes, in the manner contemplated by the projectors.

Besides the public foundations, established and partly supported by the government, there is a variety of private associations for collecting and diffusing information; such as agricultural societies, a society for the encouragement of arts and manufactures; and another which, though neither scientific nor literary, is a great encourager of literature. It is a charitable fund for giving relief to indigent authors, and to their widows and orphans.

The Lyceum of Arts, as a private society, merits a distinguished place in this hasty review of the liberal establishments in Paris. This foundation belongs to a number of proprietors, who draw no other advantage from it than the right of attending the lectures, and of using the laboratory, reading-rooms, library, and philosophical apparatus. It employs able profess-

ors in all the sciences, in technology, in literature, and in several modern languages. It admits annual subscribers, who enjoy these advantages during the year; and it is particularly useful to strangers and to young men from the provinces, who might otherwise employ their leisure hours in less profitable amusements.

If, in speaking of the state of public instruction in England, we are less particular than in those of her neighbors, it will not be for want of respect for her institutions; but because most of them are better known in this country, and some of them similar to those we have described. Her universities and colleges, her numerous agricultural societies, her society of arts and manufactures, her royal society, royal academy, royal observatory, British Museum, marine and military academies, her society for exploring the interior of Africa, her missionary society, and her board of longitude, are probably familiar to most of the readers of this Prospectus. We shall particularize only two or three others; which, being of recent date, are probably less known.

"*The Literary Fund*, for the relief of indigent authors and their families, is an institution of extensive and increasing beneficence. It is not merely a charitable, but a patriotic endowment; and its influence must extend to other nations, and to posterity. For an author of merit belongs to the world at large; his genius is not the property of one age or nation, but the general heritage of all. When a fund like this is administered by men of discernment and fidelity, worthy of their trust, as the one in question certainly is, lending its aid to all proper objects, without regard to party or system, whether in politics, science or religion, it gives independence to literary pursuits. Men who are fostered by it, or feel a confidence that they may, in case of need, partake of its munificence, become bold in the development of useful truths; they are not discouraged by the dread of opposing the opinions of vulgar minds, whether among members of the government or powerful individuals.

This generous and energetic establishment owes its foundation to David Williams; whose luminous writings, as well as other labors, in favor of liberty and morals, are well known in this country. It was a new attempt to utilize the gifts of fortune, and the efforts of timid merit. It was not till after many years of exertion by its patriotic founder, that the institution assumed a vigorous existence, became rich by the donations of the opulent, and popular from the patronage of the first names in the kingdom. It was from this fund that the one of a similar nature in Paris was copied; but the latter is hitherto far inferior to the former, both in its endowments and its activity.

On the other hand, the *Royal Institution* and the *London Institution* have been copied from the Lyceum in Paris. But in these instances the copies have already equaled, if not surpassed, the original.

We have traced this rapid sketch of what is doing for the advancement of liberal knowledge and public improvements in other countries, for the sake of grouping the whole in one general view; that we may compare their establishments with our situation, our wants, our means, and our prospects; reject what is unsuitable to us, adopt such as would be useful, and organize them as shall be advantageous in our National Institution.

It is proposed, as already observed, that this Institution should combine

the two great objects, *research* and *instruction*. It is expected from every member that he will employ his talent gratuitously in contributing to the *first* of these objects. The *second* will be the special occupation of a branch of the Institution, to be stiled the Professorate. And, as it is expected from the members of this branch, that they devote their time as well as talents to the labor of instruction, they will receive a suitable compensation, to be fixed by the board of trustees.

The members of the National Institution shall be elected from citizens of the United States, eminent in any of the liberal sciences, whether physical, moral, political, or economical; in literature, arts, agriculture; in mechanical, nautical, or geographical discoveries. The number of members shall at no time exceed the decuple of the number of states, composing the confederation of the United States. But in addition to these, it may elect honorary members abroad, not exceeding in number one half of that of its members. And it may likewise elect corresponding members within the United States, or elsewhere, not exceeding the last-mentioned proportion.

The members of the Institution may divide themselves into several sections, for their more convenient deliberations on the objects of their several pursuits, not exceeding five sections. Each section shall keep a register of its proceedings. It shall be the duty of each section to nominate candidates for members of the Institution, suitable for such section. Which nomination, if there be vacancies, shall entitle such candidates to be balloted for at the general meetings.

There shall be a Chancellor of the National Institution; whose duty it shall be to superintend its general concerns. He shall, in the first instance, be appointed by the President of the United States; and hold his office during the pleasure of the Institution. He shall preside in its general meetings; direct the order of its deliberations, and sign the diplomas of its members. He shall be president of the board of trustees; and, in consequence of their appropriations, order the payment of monies, and otherwise carry into execution their ordinances and resolutions. He shall be director of the Professorate; order the courses of lectures and other modes of instruction, and objects of study; confer degrees in the central university; appoint examiners, either at the district colleges or at the central university, for the admission of students into the latter; fill vacancies in the Professorate, until the next meeting of the board of trustees; and he shall have power to suspend from office a professor, until the time of such meeting. He shall instruct and direct in their mission, such travelling professors as the board of trustees shall employ, for the objects of science, in our country or abroad.

The board of trustees shall consist of fifteen members; they shall be first appointed by the President of the United States, and hold their office during the pleasure of the Institution. They shall give bonds with surety for the faithful execution of their trust. They and the chancellor are of course members of the Institution. As soon as convenient after their appointment, they are to assemble at the seat of government, elect by ballot fifteen additional members of the Institution, appoint three professors, and transact such other business as they may think proper. But no more than the second fifteen members of the Institution shall be elected, until the last

Wednesday in November next. On which day a general meeting of the Institution shall be held at the seat of government; and the members then present may proceed to elect fifteen additional members. Two months after which, another election of fifteen members may take place; but no more till the November then next. Thus they may proceed to hold two elections in each year, of fifteen members each, if they think proper, till the whole number allowed by law shall be elected. The Institution will fill its own vacancies, and those in the board of trustees, appoint its treasurer and secretaries; and, on all occasions after the first, elect the chancellor.

The chancellor and board of trustees shall have the sole management of the funds of the Institution, whether in lands or movables; they shall organise the Professorate, appoint the professors and other masters and teachers; assign them their compensations, and remove them at pleasure. They shall establish a central university, at or near the seat of government, and such other universities, colleges, and schools of education, as the funds of the Institution will enable them to do, whether in the city of Washington, or in other parts of the United States; and make the necessary regulations for the government and discipline of the same. They may likewise establish printing-presses for the use of the Institution, laboratories, libraries, and apparatus for the sciences and the arts, and gardens for botany and agricultural experiments.

Thus organized, and with proper endowments, the National Institution will be able to expand itself to a large breadth of public utility. It will, by its correspondence, its various establishments, its premiums, its gratuities, and other encouragements, excite a scrupulous attention to the duties of education in every part of the United States. By printing school books in the vast quantities that are wanted, and selling them at prime cost, it will furnish them at one third of the price usually demanded; and by an able selection or composition of such as are best adapted to the purpose, it will give a uniformity to the moral sentiment, a republican energy to the character, a liberal cast to the mind and manners, of the rising and following generations. None will deny that these things are peculiarly essential to the people of this country; for the preservation of their republican principles, and especially of their federal system.

Add to this the advantages that the government will draw, in its projected plans of public improvement, from this facility of concentrating the rays of science upon the most useful objects; from directing the researches of so many of the ablest men in the country, to the best modes of increasing its productions and its happiness; from having a greater choice of young and well-taught engineers, civil and military; as well as mechanicians, architects, geologists; and men versed in the mathematical sciences and political economy.

Attached to the university in Washington, and under the direction of the Institution, might be the best position for the military academy, now at West Point, and likewise for the naval academy, and for the mint of the United States. The patent office is now an embarrassing appendage to the department of state. It might occupy very usefully one of the professors of this university. The machines and models belonging to it would be useful ornaments in a lecture room, where mechanics, hydraulics, and other branches of natural philosophy are taught. Such professor might be the

proper person to examine the applications for patents, and report upon their merits; the chancellor might grant the patent. It might likewise be advantageous, that the trustees, when the state of their funds will permit, should purchase from their proprietors such inventions as, in their opinion, might be of immediate and general use; and perhaps the chancellor might be authorized to refuse patents for impracticable things, and expose to public view such imposters as sometimes apply for them, with the intention of imposing upon the credulous, by selling their fallacious privileges either in whole or in part.

The geographical and mineralogical archives of the nation might be better placed in this university, than elsewhere. Being confided to professors, they might draw advantage from them in the course of their instructions. Thus the Institution might become a general depositary of the results of scientific research; of experiments in art, manufactures, and husbandry; and of discoveries by voyages and travels. In short, no rudiment of knowledge should be below its attention, no height of improvement above its ambition, no corner of an empire beyond its vigilant activity for collecting and diffusing information.

It is hoped that the Legislature, as well as our opulent citizens, will assist in making a liberal endowment for so great an object, and as soon as circumstances will admit; as too much time has already been lost, since the government has taken its definitive stand, in so advantageous a position, for the development of this part of our national resources.

Appendix.

Such is the outline of a system of public instruction that would seem to promise the greatest benefits, and although under present circumstances it is doubtless too extensive to be carried into immediate practice in all its parts, yet there are strong reasons to wish that its general basis may be preserved entire in the law for incorporating the institution, and that such law may be enacted during the present session of Congress. Believing that no possible disadvantage could arise from adopting both of these propositions, we will endeavor to elucidate the advantages by a few additional observations.

(1) As we must solicit donations from individual citizens, and depend principally on them for its endowment, we ought to have a basis on which they can repose their confidence. This can only be done by a board of trustees, standing on the ground of a corporation, whose object is clearly defined, and which is composed of men of known character and responsibility, anxious themselves to promote the object and pledged in honor and reputation for its ultimate success.

(2) The present seems to be a more favorable moment for an establishment of this kind, and especially for obtaining donations, than can be expected to arrive hereafter. A general opinion now prevails that education has been too much and too long neglected in most parts of our country; and this opinion is happily accompanied by a liberal spirit on the subject, a spirit worthy of the age and country in which we live, and of the government that conducts our affairs. It is a patriotic spirit, that only requires to be directed, but if not directed, may soon be lost. The opinions and dispositions of men are changeable. The race of patriarchs who framed

our political systems, and are peculiarly solicitous to secure their permanent support, are passing off the stage of public life. Children are growing up to take the legacy we are bequeathing them, insensible of its value, and ignorant of the means by which it can be preserved. It will seem as if we had labored in vain, if we leave our work but half accomplished, and surely the task of preserving liberty, if not as bold, is at least as difficult, as that of acquiring it.

To acquire liberty, comparatively speaking, is the work of few; to preserve it is the sober and watchful business of all. In the first operation a group of well informed, enthusiastic, and patriotic leaders step forward to the field of danger, impress their own energy on the multitude of followers, who can not go wrong because the object is palpable and clearly understood; but in the second, the impetuosity of enthusiasm is no longer the weapon to be used. The mass of the people are masters, they must be instructed in their work, and they may justly say, that when their leaders taught them how to gain their liberty they contracted the obligation to teach them how to use it.

(3) The institution, though established on the broad foundation we here propose, will begin upon a small scale; no longer than its means will render convenient and the magnitude of the prospective will not discourage its infant exertions, but rather increase them. Its expenditures will not be greater in the beginning than they would be if it were always to be confined to the narrow compass in which it will move at first. It will immediately open a few schools at Washington, where they are much wanted. It may soon begin to receive donations for this and other objects; and by its correspondence it will be learning the wants of the different districts of the United States, and directing its inquiries how to supply them.

(4) It is believed that several men of science, without any compensation but the pleasure of being useful, may be engaged to give courses of lectures during the next winter on some of the higher branches of knowledge, such as chemistry, mathematics, natural and moral philosophy, political economy, medicine, and jurisprudence, that it may no longer be said of the Capital of the United States that it offers no attractions as a winter residence to strangers or citizens; no amusements but such as are monotonous and unimproving; nothing to variegate the scene and enliven the labors of those whom the confidence of their country has called to this place to manage her great concerns. A few courses of lectures on these subjects, announced in the public papers, to be delivered next winter would draw to this place many young men from the different States, who, being at a loss for the means of finishing their education, are often driven to Europe for that purpose. This would be a beginning for the university and lead to its interior organization. It would help to bring the institution into notice, be the means of augmenting its endowments, and enable the trustees to devise measures for some of their buildings.

(5) It ought not to be forgotten that a central institution of this kind in the United States would not only remove the disadvantages that our young men now experience in being obliged to obtain a European education, but it would federalize, as well as republicanize, their education at home. Coming together from all parts of the Union, at an age when impressions on the mind are not easily effaced, the bent of intellect will attain a similarity in all, diversified only by what nature had done before; their moral characters would be cast in a kindred mould; they would form friendships, which

their subsequent pursuits in life would never destroy. This would greatly tend to strengthen the political union of the States, a union which, though founded on permanent interest, can only be supported by a permanent sense of that interest. In addition to the other advantages of study, we ought to notice the great political school that will open to the student during the sessions of Congress; the school of jurisprudence in the federal courts; the constant examples of enlarged ideas, and paternal solicitude for the national welfare, which he will see in the several departments of the Executive Government.

When the men, who shall have finished their education in this central seat, shall return to it in maturer life, clothed with the confidence of their fellow-citizens, to assist in the councils of the nation, the scene will enliven the liberal impressions of youth, combined with the cautious that experience will have taught. They will bring from home the feelings and interests of their own districts, and they will mingle them here with those of the nation. From such men the Institution may perceive the good it may have done; and from them it will learn what new openings may be found in the different States, for the extention of its benefits.

WASHINGTON, *January 24th*, 1806.

APPENDIX D.

THE MORRILL ACT.*

AN ACT donating Public Lands to the several States and Territories which may provide Colleges for the Benefit of Agriculture and Mechanic Arts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each senator and representative in Congress to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty: *Provided*, That no mineral lands shall be selected or purchased under the provisions of this act.

SEC. 2. *And be it further enacted*. That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre, to which said State may be entitled under the provisions of this act, land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose whatsoever: *Provided*, That in no case shall any State to which land scrip

* Introduced in the House of Representatives by the Hon. Justin S. Morrill, of Vermont, and approved by President Lincoln, July 2, 1862.

may thus be issued be allowed to locate the same within the limits of any other State, or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents, or less, per acre: *And provided further*, That not more than one million acres shall be located by such assignees in any one of the States: *And provided further*, That no such location shall be made before one year from the passage of this act.

SEC. 3. *And be it further enacted*, That all the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned.

SEC. 4. *And be it further enacted*, That all moneys derived from the sale of the lands aforesaid by the State to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States, or of the States, or some other safe stocks, yielding not less than five per centum upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, (except so far as may be provided in section fifth of this act,) and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SEC. 5. *And be it further enacted*, That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding ten per centum upon the amount received by any State under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective legislatures of said States.

Second. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within five years, at least not less than one

college, as described in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold, and that the title to purchasers under the State shall be valid.

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their costs and results, and such other matters, including State industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionally diminished.

Sixth. No State while in a condition of rebellion or insurrection against the government of the United States shall be entitled to the benefit of this act.

Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the President.

SEC. 6. *And be it further enacted*, That land scrip issued under the provisions of this act shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three.

SEC. 7. *And be it further enacted*, That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws: *Provided*, their maximum compensation shall not be thereby increased.

SEC. 8. *And be it further enacted*, That the Governors of the several States to which scrip shall be issued under this act shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds. Approved, July 2, 1862.

THE HATCH ACT.*

[Forty-ninth Congress, Second Session, Chapter 314, Statutes of the United States, vol. xxiv., page 440.]

AN ACT to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of

* Introduced in the House of Representatives in 1885 by the Hon. William H. Hatch, of Missouri, and approved by President Cleveland March 2, 1887.

agricultural science, there shall be established, under direction of the college or colleges or agricultural department of colleges in each State or Territory established, or which may hereafter be established, in accordance with the provisions of an act approved July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station:" *Provided*, That in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the legislature of such State or Territory shall otherwise direct.

SEC. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of oils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories.

SEC. 3. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act. It shall be the duty of each of said stations annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States.

SEC. 4. That bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe.

SEC. 5. That for the purpose of paying the necessary expenses of conduct-

ing investigations and experiments and printing and distributing the results as hereinbefore described, the sum of fifteen thousand dollars per annum is hereby appropriated to each State, to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the provisions of section eight of this act, out of any money in the Treasury proceeding from the sales of public lands, to be paid in equal quarterly payments, on the first day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the first day of October, eighteen hundred and eighty-seven: *Provided, however*, That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended.

SEC. 6. That whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

SEC. 7. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located.

SEC. 8. That in States having colleges entitled under this section to the benefits of this act and having also agricultural experiment stations established by law separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established under the provisions of said act of July second aforesaid, an agricultural department or experimental station, in connection with any university, college, or institution not distinctively an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the legislature of such State may apply in whole or in part the appropriation by this act made, to such separate agricultural college or school, and no legislature shall by contract express or implied disable itself from so doing.

SEC. 9. That the grants of money* authorized by this act are made subject to the legislative assent of the several States and Territories to the purposes of said grants: *Provided*, That payment of such instalments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof duly certified to the Secretary of the Treasury.

SEC. 10. Nothing in this act shall be held or construed as binding the United States to continue any payment from the Treasury to any or all the

* The grants of money to carry out the provisions of this act amounted in 1887–88 to $585,000, in 1888–89 to $595,000, in 1889–90 to $600,000, and for 1890–91 the amount estimated is $630,000.

States or institutions mentioned in this act, but Congress may at any time amend, suspend, or repeal any or all the provisions of this act.

Approved, March 2, 1887.

APPENDIX E.

A LIST OF STATE UNIVERSITIES AND FEDERAL-LAND-GRANT COLLEGES, WITH THE DATES OF THEIR ORGANIZATION.

NOTE.—Most of the State Universities owe their origin wholly or in part to federal land grants in connection with the Morrill Act, or by special acts passed by Congress. The thirteen original States and six others have received no land grants, except for agricultural and mechanical colleges. All the territories have had land grants for educational purposes, except the District of Columbia and Alaska. Of the thirteen original States only four—Virginia, Georgia, and North and South Carolina—have founded and maintained State universities; six—Massachusetts, Connecticut, Pennsylvania, New Jersey, Rhode Island, and New Hampshire—founded in colonial days institutions which have become practically State universities; New York, though fairly liberal to its colleges, has never concentrated its patronage; Maryland and Delaware have practically ignored the university question. In the other States without grants—Vermont, Maine, Kentucky, Tennessee, Texas, and West Virginia—the efforts to found State institutions have been attended with much difficulty, and it is evident to one who studies the subject that their educational systems are probably much less prosperous than they would have been had they received assistance from the general government similar to that given their sister States.*

In the following list institutions wholly or in part supported by the State are designated by the symbol †. Institutions organized or extended in scope in connection with the Morrill Act of 1862 are designated by the symbol *. Institutions maintained in connection with the Hatch Act are designated by the symbol △. Institutions whose names are indented, are subordinated to those which precede them.

The total amount of land given by the general government, for State educational work, has been 1,995,920 acres. The total amount appropriated by the States for higher education is shown by Blackmar to have been $27,475,646.

I am indebted to Prof. F. W. Blackmar, Prof. W. O. Atwater, and Mr. A. C. True for the facts embodied in the following tables:

ALABAMA.

(Territory, 1817; State, 1819; Land Grant, 1818-19.)

† UNIVERSITY OF ALABAMA, Tuscaloosa, 1819–21.

* ALABAMA AGRICULTURAL AND MECHANICAL COLLEGE, Auburn, 1872.

△ AGRICULTURAL EXPERIMENT STATION, Auburn, 1883.

△ † CANEBRAKE AGRICULTURAL EXPERIMENT STATION, Uniontown, 1885.

Alabama Historical Society, Tuscaloosa, 1851.

No scientific society in the State.

*See Blackmar's: "Federal and State Aid to Higher Education."

ALASKA.

(Territory, 1872.)

No colleges.

Alaska Historical Society, Sitka, 1890.
Society of Alaskan Natural History and Ethnology, Sitka, 1887.

ARIZONA.

(Territory, 1863; Land Grant, 1881.)

UNIVERSITY OF ARIZONA, Tucson, 1889.
COLLEGE OF AGRICULTURE, UNIV. OF ARIZONA, Tucson, 1889.

No historical or scientific society.

ARKANSAS.

(Territory, 1819; State, 1836; Land Grant, 1836.)

*† ARKANSAS INDUSTRIAL UNIVERSITY, Fayetteville, 1868–72.
△ ARKANSAS AGRICULTURAL EXPERIMENT STATION, Fayetteville, 1888.

(Sub-stations at Pine Bluff, Newport, and Texarkana.)

Arkansas Historical Society, Little Rock.
No scientific society.

CALIFORNIA.

(Territory, 1846; State, 1850; Land Grant, 1853.)

†* UNIVERSITY OF CALIFORNIA, Berkeley, 1868–69.
COLLEGE OF AGRICULTURE, MECHANICS, MINING, ENGINEERING, AND CHEMISTRY, UNIV. OF CAL., Berkeley, 1866–68.
△ AGRICULTURAL EXPERIMENT STATION, UNIV. OF CAL., Berkeley, 1876 and 1888.

(Outlying stations at Paso Robles, Tulare, Jackson, Cupertino, Fresno, Mission San José.)

California Historical Society, San Francisco.
California Academy of Sciences, San Francisco, 1854.

COLORADO.

(Territory, 1861; State, 1876; Land Grant, 1875.)

† UNIVERSITY OF COLORADO, Boulder, 1875–77.
* STATE AGRICULTURAL COLLEGE, Ft. Collins, 1879.
△ AGRICULTURAL EXPERIMENT STATION OF COLORADO, Ft. Collins, 1888.

(Sub-stations at Del Norte and Rocky Ford.)

† STATE SCHOOL OF MINES, Golden, 1874.

Colorado State Historical Society, Denver.
Colorado Scientific Society, Denver.

CONNECTICUT.

(Settled, 1634; State, 1788.)

YALE UNIVERSITY, New Haven, 1700.
* SHEFFIELD SCIENTIFIC SCHOOL OF YALE UNIVERSITY, 1847 and 1864.
△† CONNECTICUT AGRICULTURAL EXPERIMENT STATION, New Haven, 1875 and 1877.
STORRS AGRICULTURAL SCHOOL, Mansfield, 1881.
STORRS SCHOOL AGRICULTURAL EXPERIMENT STATION, 1888.
Connecticut Academy of Sciences, New Haven, 1799.
Connecticut Historical Society, Hartford, 1825.

DAKOTA, NORTH.

(Territory of Dakota, 1861; State, 1889; Land Grant, 1881.)

(†) UNIVERSITY OF NORTH DAKOTA, Grand Forks, 1883–4.
NORTH DAKOTA AGRICULTURAL COLLEGE, Fargo, 1890.
No State historical or scientific society.

DAKOTA, SOUTH.

(State, 1889; Land Grant, 1881.)

(†) UNIVERSITY OF SOUTH DAKOTA, Vermillion, 1883.
† SOUTH DAKOTA AGRICULTURAL COLLEGE, Brookings, 1889.
SOUTH DAKOTA AGRICULTURAL EXPERIMENT STATION, Brookings, 1888.
SOUTH DAKOTA SCHOOL OF MINES, Rapid City, 1886.
No State historical or scientific society.

DELAWARE.

(Settled, 1638; State, 1787.)

†* DELAWARE COLLEGE, Newark, 1834, 1851, and 1871.
△ DELAWARE COLLEGE AGRICULTURAL EXPERIMENT STATION, Newark, 1888.
Historical Society of Delaware, Wilmington, 1864.
No scientific society.

FLORIDA.

(Territory, 1821; State, 1845; Land Grant, 1845.)

* FLORIDA STATE AG'L AND MECHANICAL COLLEGE, Lake City, 1884.
△ AGRICULTURAL EXPERIMENT STATION OF FLORIDA, Lake City, 1888.
Historical Society of Florida, St. Augustine.

GEORGIA.

(Settled, 1732; State, 1788.)

†* UNIVERSITY OF GEORGIA, Athens, [1784], 1801.
GEORGIA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS, OF THE UNIVERSITY OF GEORGIA, Athens, 1872.
△ GEORGIA AGRICULTURAL EXPERIMENT STATION, Athens, 1888.

SOUTHWEST GEORGIA AGRICULTURAL COLLEGE, UNIV. OF GA., Cuthbert, 1879.
NORTH GEORGIA AGRICULTURAL COLLEGE, UNIV. OF GA., Dahlonega, 1873.
WEST GEORGIA AGRICULTURAL AND MECHANICAL COLLEGE, Hamilton, 1882.
MIDDLE GEORGIA MILITARY AND AGRICULTURAL COLLEGE, UNIV. OF GA., Milledgeville, 1880.
SOUTH GEORGIA COLLEGE OF AGRICULTURE AND THE MECHANIC ARTS, UNIVERSITY OF GEORGIA, Thomasville, 1879.
† ATLANTA UNIVERSITY (colored), Atlanta, 1859.

Georgia Historical Society, Savannah, 1839.
No scientific society.

ILLINOIS.

(Territory, 1809; State, 1818; Land Grants, 1804 and 1818.)

† UNIVERSITY OF ILLINOIS, Urbana, 1868. (Formerly Illinois Industrial University.
* COLLEGE OF AGRICULTURE OF THE UNIVERSITY OF ILLINOIS, Urbana, 1867.
△ AGRICULTURAL EXPERIMENT STATION OF THE UNIVERSITY OF ILLINOIS, Champaign, 1888.

Illinois State Historical Society, Champaign.
No State scientific society.

INDIANA.

(Territory, 1800; State, 1816; Land Grants, 1804 and 1816.)

† INDIANA UNIVERSITY, Bloomington, 1820–'26. (Successor to Vincennes University, 1806.
"PURDUE UNIVERSITY," Lafayette, 1874.
* SCHOOL OF AGRICULTURE, HORTICULTURE, AND VETERINARY SCIENCE OF PURDUE UNIVERSITY, Lafayette, 1873.
△ AGRICULTURAL STATION OF INDIANA, Lafayette, 1887.

Indiana Historical Society, Indianapolis, 1832.
Indiana Academy of Sciences (unlocalized), 1885.

IOWA.

(Territory, 1838; State, 1846; Land Grant, 1845.)

† STATE UNIVERSITY OF IOWA, Iowa City, 1847–'60.
* IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS, Ames, 1858; opened for students October 21, 1868.
△ IOWA AGRICULTURAL EXPERIMENT STATION, Ames, 1888.

Iowa State Historical Society, Iowa City.
Davenport Academy of Sciences, Davenport, 1867.
Iowa Academy of Sciences, Iowa City, 1875.

KANSAS.

(Territory, 1857; State, 1861; Land Grant, 1861.)

† UNIVERSITY OF KANSAS, Lawrence, 1861–'66.
* KANSAS STATE AGRICULTURAL COLLEGE, Manhattan, 1863.
△ KANSAS AGRICULTURAL EXPERIMENT STATION, Manhattan, 1888.
Kansas State Historical Society, Topeka.
Kansas Academy of Science, Topeka, 1868.

KENTUCKY.

(State, 1792.)

* AGRICULTURAL AND MECHANICAL COLLEGE OF KENTUCKY, Lexington, 1865; reorganized 1880. (Successor to Transylvania University, organized 1798.)
△ KENTUCKY AGRICULTURAL EXPERIMENT STATION, Lexington, 1885.
Kentucky Historical Society, Frankfort.
No State scientific society.

LOUISIANA.

(Territory, 1803; State, 1812; Land Grants, 1806, 1811, 1827.)

TULANE UNIVERSITY OF LOUISIANA, New Orleans, 1847.
† SOUTHERN UNIVERSITY (colored), New Orleans, 1880.
†* LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE, Baton Rouge, 1873; reorganized 1877.
△† SUGAR EXPERIMENT STATION No. 1, Kenner, 1885.
△† " " " " 2, Baton Rouge, 1886.
△† NORTH LOUISIANA EXPERIMENT STATION, Calhoun, 1888.
Louisiana Historical Society, Baton Rouge.
No State scientific society.

MAINE.

(Settled, 1622; State, 1820.)

* MAINE STATE COLLEGE OF AGRICULTURE AND THE MECHANIC ARTS, Orono, 1865.[1]
△ MAINE STATE COLLEGE AGRICULTURAL EXPERIMENT STATION, Orono, 1885 and 1887.
Maine Historical Society, Portland, 1822.
No State scientific society.

MARYLAND.

(Settled, 1631; State 1788.)

[UNIVERSITY OF MARYLAND, organized 1784, abandoned 1805.]
* MARYLAND AGRICULTURAL COLLEGE, Agricultural College [1856], 1859.

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[1] State grants have been made to Bowdoin College, 1794–1802, and to Colby University, formerly Waterville College, 1818.

Δ MARYLAND AGRICULTURAL EXPERIMENT STATION, Agricultural College, 1888.

Maryland Academy of Sciences, 1822.
Maryland Historical Society, Baltimore.

MASSACHUSETTS.

(Settled 1620; State, 1788.)

HARVARD UNIVERSITY, Cambridge, 1636.[1]
* MASSACHUSETTS INSTITUTE OF TECHNOLOGY, Boston, 1863–'65.
* MASSACHUSETTS AGRICULTURAL COLLEGE, Amherst, 1856, 1863, and 1867.
† MASSACHUSETTS STATE AGRICULTURAL EXPERIMENT STATION, Amherst, 1882 and 1888.
Δ HATCH EXPERIMENT STATION OF MASSACHUSETTS AGRICULTURAL COLLEGE, Amherst, 1888.

American Academy of Arts and Sciences, 1780.
Massachusetts Historical Society, Boston.

MICHIGAN.

(Territory, 1805; State, 1836; Land Grant, 1836.)

† UNIVERSITY OF MICHIGAN, Ann Arbor [1817], 1836, 1840.
* MICHIGAN AGRICULTURAL COLLEGE, Agricultural College [1855], 1857.
Δ EXPERIMENT STATION OF MICHIGAN AGRICULTURAL COLLEGE, Agricultural College, 1888.

Historical Society of Michigan, Detroit.
No academy of sciences.

MINNESOTA.

(Territory, 1849; State, 1858; Land Grants, 1857, 1861, and 1870.)

†* UNIVERSITY OF MINNESOTA, Minneapolis [1857], 1868.
COLLEGE OF AGRICULTURE AND MECHANIC ARTS OF THE UNIVERSITY OF MINNESOTA, Saint Anthony Park, 1868.
† STATE SCHOOL OF AGRICULTURE OF THE UNIVERSITY OF MINNESOTA, Saint Anthony Park, 1888.
Δ AGRICULTURAL EXPERIMENT STATION OF THE UNIVERSITY OF MINNESOTA, Saint Anthony Park, 1888.

Minnesota Historical Society, St. Paul.
Minnesota Academy of Science, Minneapolis, 1873.
St. Paul Academy of Sciences, St. Paul.

MISSISSIPPI.

(Territory, 1798; State, 1817; Land Grants, 1803, 1819.)

[JEFFERSON COLLEGE, Washington, 1803—discontinued.]
† UNIVERSITY OF MISSISSIPPI, Oxford, 1874.

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[1] The appropriations by the State to Harvard have amounted to $784,793, in addition to 46,000 acres of land. The State has also given $157,500 to Williams, and $52,500 to Amherst.—BLACKMAR.

* AGRICULTURAL AND MECHANICAL COLLEGE OF MISSISSIPPI, Agricultural College (Starkville), 1880.
△ MISSISSIPPI AGRICULTURAL EXPERIMENT STATION, Agricultural College, 1888.
* ALCORN AGRICULTURAL AND MECHANICAL COLLEGE (colored), Rodney, 1871, reorganized in 1878.

Mississippi Historical Society, Jackson.
No academy of sciences.

MISSOURI.

(Territory, 1812; State, 1821; Land Grants, 1818 and 1820.)

†* UNIVERSITY OF MISSOURI, Columbia [1820], 1839.
MISSOURI AGRICULTURAL AND MECHANICAL COLLEGE OF THE UNIVERSITY OF MISSOURI, Columbia, 1870.
△ MISSOURI AGRICULTURAL EXPERIMENT STATION, Columbia, 1881.
* MISSOURI SCHOOL OF MINES AND METALLURGY OF THE UNIV. OF MO., Rolla, 1870.

Missouri Historical Society, St. Louis.
St. Louis Academy of Sciences, 1857.

MONTANA.

(Territory, 1864; Land Grant, 1881.)

COLLEGE OF MONTANA, Deer Lodge, 1883.
Montana Historical Society, Helena.

NEBRASKA.

(Territory, 1859; State, 1867; Land Grant, 1881.)

†* UNIVERSITY OF NEBRASKA, Lincoln, 1869.
INDUSTRIAL COLLEGE OF THE UNIVERSITY OF NEBRASKA, Lincoln, 1869; opened for students 1871.
△ AGRICULTURAL EXPERIMENT STATION OF NEBRASKA, Lincoln, 1887.

Nebraska State Historical Society, Lincoln, 1878.
No scientific society.

NEVADA.

(Territory, 1861; State, 1864; Land Grant, 1866.)

†* STATE UNIVERSITY OF NEVADA, Reno [1865], 1874.
SCHOOL OF AGRICULTURE OF THE NEVADA STATE UNIVERSITY, Reno, 1877.
△ NEVADA STATE AGRICULTURAL STATION, Reno.

No scientific or historical society.

NEW HAMPSHIRE.

(Settled, 1629; State, 1788.)

DARTMOUTH COLLEGE, Hanover [1758], 1770.
* NEW HAMPSHIRE COLLEGE OF AGRICULTURE AND THE MECHANIC ARTS (in connection with Dartmouth College), Hanover, [1866], 1868.

△ NEW HAMPSHIRE AGRICULTURAL EXPERIMENT STATION, Hanover, 1888.

New Hampshire Historical Society, Concord, 1823.
No academy of science.

NEW JERSEY.

(Settled, 1614–20; State, 1787.)

COLLEGE OF NEW JERSEY, Princeton, 1746.
* RUTGERS SCIENTIFIC SCHOOL OF RUTGERS COLLEGE, New Brunswick. Made State College of Agriculture and the Mechanic Arts [1864], 1865.
† NEW JERSEY STATE AGRICULTURAL EXPERIMENT STATION, New Brunswick, 1880.
△ NEW JERSEY AGRICULTURAL COLLEGE EXPERIMENT STATION, New Brunswick, 1888.

New Jersey Historical Society, Newark, 1845.
No academy of science.

NEW MEXICO.

(Territory 1850; Land Grant, 1854.)

UNIVERSITY OF NEW MEXICO, Santa Fé, 1881.
† AGRICULTURAL COLLEGE OF NEW MEXICO, Las Cruses. Established by Territorial Legislature, 1888–89.

Historical Society of New Mexico, Santa Fé.

NEW YORK.

Settled, 1613; State, 1788.

THE UNIVERSITY OF NEW YORK, 1787, is not a teaching body. It is in indirect relationship with Columbia College, 1754, Union College, Hamilton College, and numerous collegiate and technical schools.
* CORNELL UNIVERSITY, Ithaca [1865], 1868.
COLLEGE OF AGRICULTURE OF CORNELL UNIVERSITY, Ithaca, 1888.
△ CORNELL UNIVERSITY AGRICULTURAL EXPERIMENT STATION, Ithaca, 1879.
† NEW YORK AGRICULTURAL EXPERIMENT STATION, Geneva, 1882.

New York Historical Society, New York, 1804.
New York Academy of Sciences, 1817.

NORTH CAROLINA.

(Settled 1653; State, 1789.)

† UNIVERSITY OF NORTH CAROLINA, Chapel Hill [1789], 1795.
* NORTH CAROLINA COLLEGE OF AGRICULTURE AND MECHANIC ARTS, Raleigh. Established by State, 1889.
△ † NORTH CAROLINA AGRICULTURAL EXPERIMENT STATION, Raleigh, 1877 and 1887.

OHIO.

(Territory, 1788; State, 1803; Land Grants, 1792 and 1803.)

OHIO UNIVERSITY, Athens, 1804.
MIAMI UNIVERSITY, Oxford, 1809, 1816.
† * OHIO STATE UNIVERSITY, Columbus. Chartered 1870; organized, September 17, 1873.
△ OHIO AGRICULTURAL EXPERIMENT STATION, Columbus, 1882 and 1888.

Historical and Philosophical Society of Ohio, Cincinnati.
No State scientific society.

OREGON.

(Territory, 1848; State, 1859.)

† UNIVERSITY OF OREGON, Eugene City, [1850], 1876.
* OREGON STATE AGRICULTURAL COLLEGE, Corvallis, 1888.
△ OREGON EXPERIMENT STATION, Corvallis, 1888.

Pioneer and Historical Society, Astoria.
No scientific society.

PENNSYLVANIA.

(Settled, 1626; State, 1787.)

UNIVERSITY OF PENNSYLVANIA, Philadelphia, 1751.
* PENNSYLVANIA STATE COLLEGE, State College, 1859, 1862, and 1874.
△ † PENNSYLVANIA STATE COLLEGE AGRICULTURAL EXPERIMENT STATION, State College, 1887.

American Philosophical Society, Philadelphia, 1769.
Historical Society of Pennsylvania, Philadelphia, 1824.

RHODE ISLAND.

(Settled, 1636; State, 1790.)

* BROWN UNIVERSITY, Providence, 1764.
AGRICULTURAL AND SCIENTIFIC DEPARTMENT OF BROWN UNIVERSITY, Providence.
† RHODE ISLAND STATE AGRICULTURAL SCHOOL, Kingston, 1888.
△ RHODE ISLAND STATE AGRICULTURAL COLLEGE EXPERIMENTAL STATION, Kingston, 1888.

Rhode Island Historical Society, Providence.

SOUTH CAROLINA.

(Settled, 1670; State, 1788.)

† * UNIVERSITY OF SOUTH CAROLINA, Columbia, 1801; reorganized, 1865.
SOUTH CAROLINA COLLEGE OF AGRICULTURE AND MECHANIC ARTS, UNIVERSITY OF SOUTH CAROLINA, Columbia, 1879.
△ SOUTH CAROLINA AGRICULTURAL EXPERIMENT STATION, Columbia, 1888.
* CLAFLIN UNIVERSITY AND SOUTH CAROLINA AGRICULTURAL COLLEGE AND MECHANICS' INSTITUTE, (Dept. of Univ. of S. C.) Orangeburg, 1872.

South Carolina Historical Society, Charleston.

TENNESSEE.

(Territory, 1790; State, 1796.)

UNIVERSITY OF NASHVILLE (Cumberland College), 1806; discontinued, 1875.

†* UNIVERSITY OF TENNESSEE, Knoxville, 1806.

STATE AGRICULTURAL AND MECHANICAL COLLEGE OF THE UNIVERSITY OF TENNESSEE, Knoxville, 1869.

Δ TENNESSEE AGRICULTURAL EXPERIMENT STATION, Knoxville, 1882 and 1887.

Tennessee Historical Society, Nashville.

TEXAS.

(Annexed, 1846; State, 1845.)

† UNIVERSITY OF TEXAS, Austin [1839], 1866.

* STATE AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS, College Station [1871], 1876.

Δ TEXAS AGRICULTURAL EXPERIMENT STATION, College Station, 1888.

No historical or scientific society.

UTAH.

(Territory, 1850; Land Grant, 1855.)

UNIVERSITY OF DESERET, Salt Lake City, 1850.

† UTAH AGRICULTURAL COLLEGE, Logan City. Established by Territorial Legislature, March 8, 1888.

VERMONT.

(Settled, 1755–58; State, 1791.)

* UNIVERSITY OF VERMONT [1791], 1800, and
STATE AGRICULTURAL COLLEGE, Burlington, 1865–'67.

Δ† VERMONT STATE AGRICULTURAL EXPERIMENT STATION, Burlington, 1887.

Vermont Historical Society, Montpelier.

VIRGINIA.

(Settled, 1609; State, 1788.)

[COLLEGE OF HENRICO. Projected in 1620.]

WILLIAM AND MARY COLLEGE, Williamsburgh, 1691.

† UNIVERSITY OF VIRGINIA, Charlottesville, 1819.

* VIRGINIA AGRICULTURAL AND MECHANICAL COLLEGE, Blacksburg, 1872.

Δ VIRGINIA AGRICULTURAL EXPERIMENT STATION, Blacksburg, 1888.

* HAMPTON NORMAL AND AGRICULTURAL INSTITUTE, Hampton, Organized by American Missionary Society, April, 1868; reorganized under charter from State, June, 1870.

Virginia Historical Society, Richmond, 1831.

WASHINGTON.

(Territory, 1853; State, 1889.)

UNIVERSITY OF WASHINGTON, Seattle, 1862.

WEST VIRGINIA.

(State, 1862.)

†* WEST VIRGINIA UNIVERSITY, Morgantown, 1867.
AGRICULTURAL DEPARTMENT OF WEST VIRGINIA UNIVERSITY, Morgantown.
△ WEST VIRGINIA EXPERIMENT STATION, Morgantown, 1888.
West Virginia Historical Society, Morgantown.

WISCONSIN.

(Territory, 1836; State, 1847; Land Grants, 1846 and 1854.)

†* UNIVERSITY OF WISCONSIN, Madison [1838], 1848.
DEPARTMENT OF AGRICULTURE OF THE UNIVERSITY OF WISCONSIN, Madison, 1866.
△† AGRICULTURAL EXPERIMENT STATION OF THE UNIVERSITY OF WISCONSIN, Madison, 1883 and 1888.
Wisconsin Historical Society, Madison.
Wisconsin Academy of Science, Arts, and Letters, Madison, 1870.

WYOMING.

(Territory, 1868; State, 1889.)

UNIVERSITY OF WYOMING, Laramie City.
Wyoming Academy of Arts, Science, and Letters, Cheyenne.

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The New English Canaan, Prince Society Edition. Boston, 1883.

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Proceedings of Massachusetts Historical Society, Vol. XX. Boston, 1883.

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8vo, pp. vi, 313.

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2 vols., 8vo.
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International Review, January, 1880.
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Berkshire Courier, Great Barrington, Mass., August 30, 1882.

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New England Historic, Genealogical Society, Proc., April, July, 1882; *University Studies*, 1883; see, also, article on "Constable," in the *Supplement to the Encyclopædia Britannica*.

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At the time of his death, September 17, 1889, he had just completed a work on the campaigns in Virginia, from June 17, 1862 to the battle of Chancellorsville, which, it is hoped, will be published during the current year.

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"Life's race well run,
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Life's crown well won,
Now comes rest."

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to his "Exact Phonography," 1889, both published by the author, some historical facts and references are given. Mr. Bishop has also had a number of contributions, partly historical, published in various short-hand publications; and a paper of his on "Exactness in Short-hand," is to appear in Proceedings of Business Educators' Convention for 1889, this being also largely historical.

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NOTE.—Mr. Brock has been a frequent contributor to the press and magazines since boyhood; was one of the editors of the Richmond *Standard*, a select family paper, with departments of science, history, genealogy, etc., from 1878 to 1882; has edited eight volumes of the new series of the "Virginia Historical Collections," published by the Virginia Historical Society, and two volumes of the "Papers" of the Southern Historical Society (of which he has been the secretary since July, 1887), and other historical, antiquarian, and genealogical works, besides contributions to standard works, and preparing various statistical and historical papers for the United States Government and his native State and city.

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8vo, pp. 1-78.

A recapitulation of the events in Canada from the death of Frontenac to the peace of 1763, including an account of the settlement of Louisiana and of the French occupation of the Mississippi Valley, and closing with a Comparison of the Methods of Colonization adopted by the French and English. To this is appended a Critical essay on the Sources of Louisiana History.

DAVIS, ANDREW MCFARLAND. A few additional notes concerning Indian Games.

Bulletin of the Essex Institute, Vol. XVIII, 1887. 8vo, p. 168.

8vo, 23 pp. 200 copies privately printed. Salem, 1887.

This is supplementary to the paper entitled "Indian Games, an Historical Research," which was printed in the *Bulletin of the Essex Institute* in 1885.

DAVIS, ANDREW MCFARLAND. The Colony of Nox.

Proceedings of the American Antiquarian Society, April 27, 1887. 8vo.

8vo, 7 pp. 50 copies privately printed.

An account of how the above title came to be applied to the Colony of New Haven, in the records of Harvard College.

DAVIS, ANDREW MCFARLAND. Letter to Justin Winsor.

Proceedings of the Massachusetts Historical Society, 1887. 8vo, pp. 340-341.

Calling attention to certain papers containing information about the attack on Wyoming in 1778.

DAVIS, ANDREW MCFARLAND. An Historical Study of Law's System.

Quarterly Journal of Economics. Part I, April, 1887; Part II, July, 1887. 8vo, pp. 286-318; 420-452.

8vo, pp. 65. 100 copies privately printed. Boston, 1887.

DAVIS, ANDREW MCFARLAND. The Employment of Indian Auxiliaries in the American War.

8vo, pp. 709-728.

The English Historical Review, October, 1887.

DAVIS, ANDREW MCFARLAND. The First Scholarship at Harvard College.

Proceedings of the American Antiquarian Society, October 21, 1887. 8vo.

8vo, pp. 13. 50 copies privately printed.

An attempt to trace the history of a scholarship established at Harvard College, in 1643, by Lady Ann Mowlson of London.

DAVIS, ANDREW MCFARLAND. The Indians and the Border Warfare of the Revolution. Chapter viii, Vol. VI. Of the "Narrative and Critical History of America. Edited by Justin Winsor." Boston and New York: Houghton, Mifflin & Co., The Riverside Press, 1888.

8vo, pp. 605-684.

To the narrative chapter is appended a critical essay on the sources of information. Notes are added on the following subjects:

Opinions of Prominent Americans on the Employment of Indians in War.
Events at the North not connected with the Six Nations.
Events at the South.
Connecticut Settlers in Pennsylvania.
Bounties for Scalps.

DAVIS, ANDREW MCFARLAND. A few Notes concerning the Records of Harvard College. Library of Harvard University. Bibliographical contributions. Edited by Justin Winsor, librarian, No. 27. Cambridge, Mass.: Issued by the Library of Harvard University, 1888.

8vo, pp. 14.

The subjects of these notes are:

The contents of a missing book of Records.

Books given by John Harvard, Peter Bulkley, Sir Kenelme Digby, and Governor Bellingham.

DAVIS, ANDREW MCFARLAND. The Cambridge Press.

Proceedings of the American Antiquarian Society, April 25, 1888. 8vo.

8vo, pp. 10. 50 copies privately printed.

This paper relates to the publications at Cambridge, by Daye & Green, up to 1654, and is based upon a memorandum found among the Dunster MSS. in the archives of Harvard College.

DAVIS, ANDREW MCFARLAND. The Site of the First College Building at Cambridge.

Proceedings of the American Antiquarian Society, October 22, 1888. 8vo.

8vo, pp. 20. 50 copies privately printed.

In this paper an attempt is made to identify the spot where the first college building stood at Cambridge.

DAVIS, HORACE. On the Likelihood of an Admixture of Japanese Blood on our Northwest Coast. A record of Japanese vessels driven upon the Northwest Coast of America and its out-lying islands. Read before the American Antiquarian Society, at their April meeting.

8vo, pp. 22.

Proceedings of the American Antiquarian Society, April, 1872.

DAVIS, HORACE. Dolor Davis. A Sketch of his Life, with a record of his earlier descendants. Printed for private distribution, 1881.

8vo, pp. 46.

Edition, 200 copies.

Dolor Davis was an early settler of Massachusetts.

DAVIS, HORACE. American Constitutions. The relations of the three departments as adjusted by a century.

8vo, pp. 70.

Nos. IX and X of third series of *Johns Hopkins Studies in Historical and Political Science*. Baltimore, 1885.

DAVIS, J. C. BANCROFT. Senate Executive Document No. 27, second session, Thirty-second Congress. [1850.]

This document contains Dispatch No. 44 from Mr. Abbott Laurence, American Minister at London, to Mr. Clayton, Secretary of State, dated April 19, 1850. This paper was the joint work of the late Henry Stevens, of London, and J. C. Bancroft Davis. It contains a full historical account of the relations, political and otherwise, between Great Britain and the Mosquito Indians. At his death Mr. Stevens left for publication a copy of the Laws of the Indies, dedicated to Mr. Davis "as a memorial of our joint investigations into the rights and liberties of the aborigines of America."

DAVIS, J. C. BANCROFT. History of Slavery in the United States.

London Times, December, 1860.

This history was reprinted in book form, 12mo, in 1861, and published by Sampson, Low & Co., in London.

DAVIS, J. C. BANCROFT. The case of the United States to be laid before the Tribunal of Arbitration to be convened at Geneva, under the pro-

visions of the treaty between the United States of America and Her Majesty the Queen of Great Britain, concluded at Washington, May 8, 1871. Washington: Government Printing Office, 1871.

8vo, pp. 501.

DAVIS, J. C. BANCROFT. Notes upon the Foreign Treaties of the United States, with some references to negotiations preceding them; to the executive, legislative, or judicial construction of them; and to the causes of the abrogation of some of them. [1873.]

These notes, together with an analytical index of the treaties, were prepared in the summer of 1873, and were, in the autumn of that year, printed and bound in with the remaining copies (about 800 in all) of an edition of the treaties transmitted to the Senate February 1, 1871, and printed as Senate Executive Document No. 36, third session, Forty-first Congress. A new title page was inserted, with the words "Revised Edition" printed on it, and also a preface explaining the facts. In 1889 these notes were reprinted in an edition of the treaties, edited by Mr. John H. Haswell.

DAVIS, J. C. BANCROFT. Treaties of the United States.

An article in Volume III of *Cyclopedia of Political Science, Political Economy, and of the Political History of the United States*, Chicago, 1884.

8vo, pp. 944-949.

DAVIS, J. C. BANCROFT. Appendix to the Reports of the Decisions of the Supreme Court of the United States from September 24, 1789, to the end of the October term, 1888.

Pp. 280.

This appendix forms part of Volume 131 of the United States Reports, and contains the following historical papers:

(*a*) Federal courts before the adoption of the Constitution. I. Federal courts of appeal in prize cases. II. Courts for determining disputes and differences between two or more States concerning boundary, jurisdiction, or any cause whatever.

(*b*) List of cases in which statutes or ordinances have been held to be repugnant to the Constitution or laws of the United States, in whole or in part, by the Supreme Court of the United States, from the organization of the court to the end of October term, 1888.

DAVIS, ROBERT MEANS. A sketch of Education in South Carolina. By R. Means Davis, Professor of History and Political Science in South Carolina College. Chapter IV of "South Carolina; Resources and Population, Institutions and Industries. Published by the State Board of Agriculture of South Carolina, Charleston, S. C." Walker, Evans & Cogswell, 1883.

8vo, pp. viii, 726.

Edition, 5,000 copies.

Contents of sketch: (1) Historical sketch; (2) Public school system; (3) Schools in Charleston; (4) Schools in Columbia; (5) Charitable and educational associations; (6) Private schools; (7) Higher education for males; (8) Military instruction and training for males; (9) Higher education for females; (10) Professional and special instruction; (11) Education of colored race; (12) Periodical literature; (13) Illiteracy; (14) Appendix.

DAVIS, W. W. H. El Gringo; or New Mexico and her People. New York: Harper & Brothers, Publishers, 1857.

12mo, pp. 432. 13 plates.

Edition, 1,000 copies.

DAVIS, W. W. H. History of the Rebellion in Milford Township, Bucks County, Pa., 1798.

The Doylestown (Pa.) *Democrat Weekly*, beginning January 3, 1860, and ending March 13, 1860, equivalent to 238, 8vo pages.

The "Milford Rebellion," as it is known in history, was an insurrectionary movement against the home-tax and other direct taxes, and broke out the fall of 1798 in Milford Township, Bucks County, Pa. The head and front of it were John Fries, Frederick Heany, and John Getman, all residents of Milford Township. They raised a force of 150 men, including two companies in military array, marched into the neighboring county of Northampton, and released a number of insurgents the authorities had arrested. In the spring of 1799, the President sent an armed force to put down the insurgents, and captured the three leaders. They were tried and convicted, and Fries sentenced to be hanged. Heany and Getman received lighter sentences; all were pardoned. Fries was a patriot in the Revolution, and was twice in the military service.

DAVIS, W. W. H. History of the Battle of the Crooked Billet, Philadelphia (now Montgomery) County, Pa. Fought May 1, 1778, between a detachment of British troops and Pennsylvania militia, under Gen. John Lacey. 1860.

8vo, pp. 19.

Edition, 150 copies.

The proceeds of sale were applied to a fund to erect a monument on the battlefield.

DAVIS, W. W. H. History of the 104th Pennsylvania Regiment from August 22, 1861, to September 30, 1864. Published by the author, and printed by James B. Rogers, Philadelphia, Pa. 1866.

8vo, pp. 364. 6 plates.

Edition, 1,500 copies.

The author raised and organized the regiment, and it was part of his command the whole time it was in service.

DAVIS, W. W. H. History of the Hart Family of Warminster, Bucks County, Pa., to which is added the Genealogy of the Family from its First Settlement in America. Privately printed. Doylestown, Pa.: W. W. H. Davis, Publisher, 1867.

8vo, pp. 161. Plate.

Edition, 150 copies.

DAVIS, W. W. H. Sketch of the Life and Character of John Lacey, a Brigadier-General in the Revolutionary Army. Privately printed. Doylestown, Pa.: W. W. H. Davis, Publisher, 1868.

8vo, pp. 124.

Edition, 100 copies.

It was originally published in *Graham's Magazine*, Philadelphia, Pa.

DAVIS, W. W. H. The Spanish Conquest of New Mexico. Doylestown, Pa.: W. W. H. Davis, Publisher, 1869.

8vo, pp. 438. One plate, with map of route of early Spanish explorers.

Edition, 250 copies.

Reviewed in the *New York Tribune* and other newspapers.

This work was written in the old Spanish palace at Santa Fé, N. Mex., where the author had access to Spanish MSS. never before translated. The MS. was read by Mr. Bancroft, the historian, who indorsed and advised its publication.

DAVIS, W. W. H. The History of Bucks County, Pa., from the Discovery of the Delaware to the present time. Doylestown, Pa.: W. W. H. Davis, Publisher, 1876.

8vo, pp. 930. 39 plates.

Edition, 1,200 copies.

DAVIS, W. W. H. Historical Address, delivered at the Celebration of the Centennial of Doylestown, Pa., March 1, 1838.
Doylestown (Pa.) *Democrat*, March 5, 1878.

DAVIS, W. W. H. Washington on the West Bank of the Delaware, 1776. Read before the Historical Society of Pennsylvania, January 12, 1880.
Pennsylvania Magazine of History and Biography, Vol. IV, No. 2, 1880, pp. 133–163.

DAVIS, W. W. H. William Penn's Home Life at the Manor House. Read before the Buck's County Historical Society, at Pennsbury, July 18, 1882.
Doylestown (Pa.) *Democrat*, August 8, 1882.

DAVIS, W. W. H. Historical Address delivered at the Bucks County, Pa., Bi-Centennial Celebration, held at Doylestown, Pa., September 1, 1882.
8vo, pp. 32.
Originally published in the *Doylestown* (Pa.) *Democrat*.

DAVIS, W. W. H. History of the Southampton Baptist Church, Bucks County, Pa. Read before the Bucks County Historical Society, July 22, 1884.
12mo, pp. 14.
Edition, 75 copies.
Originally published in the *Doylestown* (Pa.) *Democrat*.

DAVIS, W. W. H. The Life of John Davis. Privately printed, 1886.
8vo, pp. 212. 6 plates.
Edition, 150 copies.

DAVIS, W. W. H. History of the Doylestown Guards. The first company to enter the military service of the United States from Bucks County, Pa., at the breaking out of the War of the Rebellion. 1887.
8vo, pp. 238. Plate.
Edition, 150 copies.
Reviewed in the *Bucks County* (Pa.) *Intelligencer*, October 29, 1887; *Bucks County Mirror*, November 12, 1887, and *The Press*, Philadelphia, December 12, 1887.

DAVIS, W. W. H. The Spaniard in New Mexico. Read before the American Historical Association at Boston.
Papers of the American Historical Association, 1887.

DAWSON, N. H. R. The American Revolution. Address at Cahaba, Alabama, July 4, 1857. Cahaba, Ala., 1857.

DAWSON, N. H. R. Address before State Bar Association of Alabama, December, 1884.
Proceedings of Bar Association, 1884. Montgomery, Ala., 1884.

DAWSON, N. H. R., (U. S. Commissioner of Education, 1886–'89.) Annual Report of Commissioner, 1885–'86, pp. 813. Annual Report of Commissioner, 1886–'87, pp. 1170. Annual Report of Commissioner, 1887–'88, pp. 1050. Annual Report of Commissioner (in press), 1888–'89, pp. 1100. Washington, Government Printing Office.
Edition, 20,000 copies each.

DAWSON, N. H. R. Address before Department of Superintendence, March 1887. Proceedings of Superintendence, 1887. Address upon Alaska, before Department of Superintendence, July, 1888. Proceedings of Superintendence, 1888. Washington, Government Printing Office, 1888. Publishers: Bureau of Education.
Edition, 20,000 copies.

DAWSON, N. H. R. Address at Meeting of National Educational Association, San Francisco, Cal., July, 1888.
Proceedings of Association. Lawrence, Kans., 1888.

DODGE, THEODORE AYRAULT. The Campaign of Chancellorsville. Boston: James R. Osgood, 1881.

8vo, pp. 278.

Two editions, 2,000 copies. Electrotyped.

Four large topographical maps, colored, showing the natural and artificial features of the theater of operations, and the positions of the various Federal and Confederate corps at different periods of the conflict.

Reviewed by leading newspapers and periodicals.

DODGE, THEODORE AYRAULT. A Bird's Eye View of Our Civil War. Jas. R. Osgood & Co., 1883.

8vo, pp. 338. 4 maps and 38 battle-plans. Electrotyped.

Reviewed by leading papers and periodicals in the United States and England.

DODGE, THEODORE AYRAULT. Great Captains. A course of six lectures, showing the influence on the art of war of the campaigns of Alexander, Hannibal, Cæsar, Gustavus Adolphus, Frederick, and Napoleon. Boston: Ticknor & Co., 1889.

8vo, pp. 219. 21 battle-charts.

Edition, 1000 copies. Electrotyped.

DE PEYSTER, JOHN WATTS. A Tale of Leipsic.

Peabody's Parlor Magazine. New York, 1832.

DE PEYSTER, JOHN WATTS. Report to his Excellency Washington Hunt, Governor of the State of New York, etc., etc., on the Subject of the Organizations of the National Guards, and Municipal Military Systems of Europe, and the Artillery and Arms best adapted to the State Service. In pursuance of General Orders No. 111, and Instructions of July 29, 1851. Albany: Charles Van Benthuysen, 1852.

8vo, pp. 247.

There are additional and supplementary reports relating to the State services, a paid fire department with steam fire-engines, fire-escapes, of which one as a pattern was presented to the city of New York, submitted and published or privately printed. It is curious that the uniform, gray, and designations of rank, suggested in the report were adopted by the Southern Army. When first presented the suggestions were very favorably received by the U. S. War Department. Reprinted by order of the New York State legislature, senate documents No. 74, March 26, 1853.

DE PEYSTER, JOHN WATTS. The Éclaireur, a Military Journal, Devoted to the Interests of the Military Forces of the State of New York and the Official Military Circular of the 9th Brigade, N. Y. S. M. F. Poughkeepsie, N. Y.: Platt & Schram, 1853–'55.

After a short period, I not only edited but printed it entirely at my own expense for several years (1853, 1854, 1855, 1856), distributing the copies gratuitously through my militia district and to whoever exhibited any interest in such matters. The files of this paper (which was open to all contributors) contain, in addition to the general and special orders, many military sketches from my pen. My systemized account of the militia systems of Europe, the result of personal examination during a tour (under the authority of the State, indorsed by the United States); my report on a paid fire department with steam-engines and military organization, from data collected on the same tour, together with suggestions on the subject; my translation of the famous Bersaglieri rifle drill and bayonet exercise; a translation of von Hardegg's treatise of the science of the general staff, in itself a considerable volume; a translation of von Hardegg's chronological tables of military science and history; various extracts from military works of interest, were all published in the *Éclaireur*. Among other things, one or more articles dwell upon the advantages of the Napoleon gun, or light 12-pounder, soon after its introduction in Europe and long before it was appreciated here in the United States.

DE PEYSTER, JOHN WATTS. The History of the Life of Leonard Torstenson (Lennart Torstenson), "The Argus-Eyed Briarean-Armed" Senator of Sweden, Count of Ortala, Chief of the Swedish Artillery under, and Generalissimo of the Swedish Armies subsequent to the death of, Gustavus Adolphus. Poughkeepsie, N. Y.: Platt & Schram, 1855.
8vo, pp. 381.

DE PEYSTER, JOHN WATTS. Gems from Dutch History. (Series.)
Military Gazette, New York, 1855.

DE PEYSTER, JOHN WATTS. The Dutch at the North Pole and the Dutch in Maine. A paper read before the New York Historical Society, March 3, 1857. New York, 1857.
8vo, pp. 100.

DE PEYSTER, JOHN WATTS. Address to the Officers of the New York State Troops, January 19, 1858. Poughkeepsie, N. Y.: Platt & Schram, 1858.
8vo, pp. 40.

DE PEYSTER, JOHN WATTS. Proofs considered of the Early Settlement of Acadie by the Dutch, being an Appendix to The Dutch in Maine. Poughkeepsie: Platt & Schram, 1858.
8vo, pp. 19.
Edition, 500 copies.

DE PEYSTER, JOHN WATTS. The Dutch Battle of the Baltic; one of the Most Glorious Achievements of the Mariners of Holland; a Triumph Worthy the Great Maritime Republic of the United Provinces. Dedicated to the St. Nicholas Society of the city of Nieuw Amsterdam and all true Knikkerbakkers. Poughkeepsie, N. Y.: Platt & Schram, 1858.
8vo, pp. 88.

DE PEYSTER, JOHN WATTS. The History of Carausius, the Dutch Augustus and Emperor of Britain, Zeeland, Dutch Flanders, Armorica, and The Seas; the Great First Hollandish Admiral, and the First Sailor King of England. With which is interwoven an Historial and Ethnological Account of the Menapii, the Ancient Zeelanders, and Dutch Flemings. Compiled from upwards of two hundred Ancient, Mediæval, and Modern Authorities. Poughkeepsie, N. Y.: Platt & Schram, 1858.
8vo, pp. 335.

DE PEYSTER, JOHN WATTS. The Ancient, Mediæval, and Modern Netherlanders, Dutch, and Flemings; being a Synopsis of their Chorographical and Ethnological Relations, as well as a Consideration of their Influence upon the Destinies of England and France. Poughkeepsie, N. Y.: Platt & Schram, 1859.
8vo, pp. 64.

DE PEYSTER, JOHN WATTS. The Invincible Armada. (Series.)
Military Gazette, New York, 1860.

DE PEYSTER, JOHN WATTS. Life of Lieutenant-General (famous "Dutch Vauban," styled the "Prince of Engineers") Menno, Baron Cohorn. (Series.)
Military Gazette. New York, 1860.

DE PEYSTER, JOHN WATTS. Examples of Intrepidity, as illustrated by the Exploits and Deaths of the Dutch Admirals. (Series.)
Military Gazette. New York, 1860-'61.

DE PEYSTER, JOHN WATTS. State Sovereignty. Introductory Remarks. Poughkeepsie: Platt & Schram, 1861.

8vo, pp. 8.

DE PEYSTER, JOHN WATTS. Mortality among Generals. (Series.)

Military Gazette. New York, 1861.

DE PEYSTER, JOHN WATTS. The Battle of King's Mountain. (Series.)

Military Gazette. New York, 1861-'62.

DE PEYSTER, JOHN WATTS. Military Lessons. (Series.)

New York Leader, 1861-'63.

This series equaled in quantity a large 8vo volume. The principal matter was a translation from "Documents Necessary to Understand how to carry on War," constituting a supplement to "Evolutions of the Lines," by Col. Lavelaine de Maubeuge, Paris, 1852, but the Lessons were established by an infinitude of examples translated from authorities in German and French or from English treatises on the art and science of war.

DE PEYSTER, JOHN WATTS. History of the Third Corps, Army of the Potomac, 1861-'65.

This title, although not technically, is virtually, correct, for in a series of elaborate articles in dailies, weeklies, monthlies, monographs, addresses, etc., everything relating to this Corps, even to smallest details, from 1861 to 1865, was prepared with care, and put in print. These articles appeared in the *Citizen*, and the *Citizen and Round Table;* in *Foley's Volunteer*, and *Soldiers' and Sailors' Half-Dime Tales of the late Rebellion;* in Mayne Reid's magazine, *Onward;* in Chaplain Bourne's *Soldiers' Friend;* in "*La Royale or Grand Hunt* [or the Last Campaign] *of the Army of the Potomac*, from Petersburg to Appomattox Court-House, April 2-9, 1865," illustrated with engraved likenesses of several of the prominent generals belonging to the Corps, and careful maps and plans; in the "Life of Major-General Philip Kearny;" in the "Third Corps at Gettysburg; General Sickles Vindicated" * * * Vol. I, Nos. XI, XII, XIII. *The Volunteer*, in a speech delivered before the Third Army Corps Union, 5th May, 1875, profusely illustrated with portraits of generals who commanded or belonged to that organization, etc. These, arranged and condensed, would constitute a work of five or six volumes 8vo, such as those prepared by Prof. John W. Draper, entitled "The Civil War in America," but were never given as bound volumes to the public.

In recognition of labor undergone in presenting the History of the Third Corps, the "Third Corps Union" voted to General de Peyster a most exquisite badge set with jewels—a ruby representing the First, a diamond the Second, and a sapphire the Third Division—to cost $500.

* DE PEYSTER, JOHN WATTS. Winter Campaigns the Test of Generalship. New York: Charles G. Stone, printer, 1862.

12mo, pp. 24. Edition, 1,000 copies.

DE PEYSTER, JOHN WATTS. Biographies of the Watts, de Peyster, Reade, and Leake families in connection with Trinity Churchyard. 1862.

DE PEYSTER, JOHN WATTS. The Decisive Conflicts of the late Civil War, or Slaveholders' Rebellion. Battles Morally, Territorially, and Militarily Decisive. No. 1. The Maryland Campaign of September, 1862. The Battles of the South Mountain and of the Antietam, Sunday, September 14th, to Wednesday, September 17th, 1862. New York: Macdonald & Co., 1867.

8vo. pp. 76.

No. 11. "Rosecrans and the Army of the Cumberland." The nucleus of this appeared in the *Army and Navy Journal*, 1864. "Chancellorsville," from papers furnished by General Hooker, appeared, in a pamphlet, 8vo, pp. —, New York, 1865, which was suppressed at the request of General Hooker after a few copies were issued.

DE PEYSTER, JOHN WATTS. Genealogical References of Old Colonial Families, etc.

Valentine's Manual. New York, 1863.

DE PEYSTER, JOHN WATTS. The Decisive Conflicts of the Great Civil War, or Slaveholders' Rebellion. Battles Morally, Territorially, and Militarily Decisive. No. 3. The Pennsylvania-Maryland Campaign of June-July, 1863. The Battles of Oak (or Seminary) Ridge and Gettysburg, and before, at, and after Gettysburg, and at Williamsport, June 28th to July 14th, 1863. New York: Macdonald & Co., 1867.

8vo, pp. 163.

DE PEYSTER, JOHN WATTS. Practical Strategy, as Illustrated by the Life and Achievements of a Master of the Art, the Austrian Field-Marshal Traun. Catskill, N. Y.: Joseph Jonesbury, 1863.

8vo, pp. 64.

This little work was received with so much approbation that General Hon. Sir Edward Cust, British Army, author of the "Annals of the Wars, 1700–1815," 9 vols., and the "Lives of the Warriors," in the preceding century, 6 vols., prefaces vol. 1 of the series, 1648–1704, with a letter dedicatory of 37 pages to General de Peyster, in which he acknowledges, among other laudatory passages, "the truly valuable hints and suggestions that you have favored me with in your several communications render me largely your debtor, and I am desirous of marking my deep obligations to you by requesting permission to dedicate my concluding volume to you and to your military brethren. We appear to be men of much the same mind and of common sympathies, desirous alike of employing our common language for a common object—that of enlightening our comrades of a common profession with the necessity of applying the precepts of military history to the useful comprehension of their calling, both of us agreeing that the best instruction for all officers is to be acquired from the deeds of the old masters in the art of war."

DE PEYSTER, JOHN WATTS. Secession in Switzerland and the United States compared; being the Annual Address, delivered 20th October, 1863, before the Vermont State Historical Society, in the Hall of Representatives Capitol, Montpelier, 1864. Catskill: Joseph Jonesbury, Printer, 1864.

8vo, pp. 72.

DE PEYSTER, JOHN WATTS. Sketch of Gen. George H. Thomas. Reprinted from "Representative Men." Atlantic Publishing Company, N. Y.

Royal 8vo.

Three editions. This sketch was founded in part upon conversations with General George H. Thomas. Originally contained certain of his views and criticisms, which were suppressed at the request of Mrs. Thomas.

DE PEYSTER, JOHN WATTS. Organization of the Militia.

Royal 8vo, pp. 12, and published as a supplement to vol. ix of the *Historical Magazine.*

DE PEYSTER, JOHN WATTS. Duke Christian of Brunswick and Elizabeth Stuart, Princess Royal of England, Electress-Palatine, Queen of Bohemia. New York, 1866.

8vo, pp. 91.

Limited edition, 50 copies. Printed for the author, with biographical sketch of the author, 1865.

DE PEYSTER, JOHN WATTS. Address delivered at Madalin, N. Y., on the occasion of the Inauguration of a Monument to the Defenders who lost their lives in suppressing the Slaveholders' Rebellion. New York, 1867.

8vo, pp. 122.

DE PEYSTER, JOHN WATTS. A Hero of the XVII. Century (Torstenson).
The Volunteer, Weekly Magazine, vol. 1, No. 1. New York, 1869.

DE PEYSTER, JOHN WATTS. Personal and Military History of Philip Kearny, Major-General United States Volunteers. New York: Rice & Gage. Newark, N. J.: Bliss & Co., 1869.
8vo, pp. 512. Edition, 1,500 copies. Portraits and illustrations.
Besides this first edition proper there was an emission of about 100 copies containing a supplement of what the French styled Justifying Statements, printed especially for the author, issued at the same date.
Second edition profusely illustrated. Publishers: Palmer & Co., Elizabeth, N. J., and James Miller, New York, 1870.

DE PEYSTER, JOHN WATTS. Battles of Gettysburg, Fredericksburg, and Chancellorsville.
In *Onward*, a magazine, New York.
Gettysburg, vol. I, May, 1869; June, 1869. Vol. II, July, 1869. Fredericksburg, vol. II, September, 1869. Chancellorsville, vol. II, October, 1869; November, 1869; December, 1869. Vol. III, January, 1870; February, 1870; February supplement, 1870.

DE PEYSTER, JOHN WATTS. Military (1776–1779) Transactions of Major, afterwards Colonel, Eighth or King's Foot, B. A. Arent Schuyler de Peyster, and Narrative of the Maritime Discoveries of his Namesake and Nephew Capt. Arent Schuyler de Peyster. New York, 1870.

DE PEYSTER, JOHN WATTS. La Royale Parts I, II, III, IV, V, and VI. The Grand Hunt of the Army of the Potomac on the 3d-7th (a. m.) April, Petersburg to High Bridge; Maj. Gen. Andrew Atkinson Humphreys and the Combined Second-Third Corps Leading the Pursuit from Jetersville to High Bridge. New York, 1872.
Sm. 4to, pp. 70.
First edition, 100 copies, printed as manuscript for private circulation, with portrait and maps.

DE PEYSTER, JOHN WATTS. Eulogy of Torstenson. Translated from the Swedish of H. R. M. Gustavus III. New York, 1872.
Large 4to, pp. 36.
This composition was a subject for competition before the Royal Swedish Academy. The king was an anonymous aspirant and received therefor the prize medal.

DE PEYSTER, JOHN WATTS. Frederic the Great. (Series.)
New York Weekly Mail, 1873.

DE PEYSTER, JOHN WATTS. The Career of the Celebrated Condottieri Fra Morcale.
New York Weekly Mail, 1873.

DE PEYSTER, JOHN WATTS. Thirty Years' War and Military Services of Field Marshal Generalissimo Leonard Torstenson.
New York Weekly Mail, 1873.

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8 vo, pp. vi, 159.

500 copies printed, uniform in style, with Mr. Henry Cabot Lodge's edition of the writings of Hamilton.

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8vo, pp. 25.

Only 50 copies privately printed, on one side of paper only.

FORD, PAUL LEICESTER. A list of Treasury Reports and Circulars, issued by Alexander Hamilton, 1789–1795. Compiled by Paul Leicester Ford. Brooklyn, N. Y., 1886.

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Printed on only one side of paper; fifty copies privately printed. It is a list of about 130 of the rarest United States Government documents, only five of which are given in Poore's *Catalogue of Government Documents*, and of which neither the Library of Congress nor the Treasury Department have copies of any appreciable proportion.

FORD, PAUL LEICESTER. Review of "American Commonwealths. Connecticut. A study of a Commonwealth Democracy. By Alexander Johnston."

Political Science Quarterly, Vol. II, No. 3, September, 1887.

FORD, PAUL LEICESTER. Some Materials for a Bibliography of the Official Publications of the Continental Congress for 1774. Collected and annotated by Paul Leicester Ford. Brooklyn, N. Y., 1888.

8vo, pp. 8.

250 copies separately printed from *Bulletin of Boston Public Library*, Vol. VIII, No. 3. It is the first number of an intended list of United States Government documents from 1774 to 1789. This number gives forty-four titles, only four of which are contained in Poore's *Catalogue of United States Government Documents*.

FORD, PAUL LEICESTER. Pamphlets on the Constitution of the United States, Published during its Discussion by the People, 1787–1788. Edited, with Notes and a Bibliography, by Paul Leicester Ford. Brooklyn, N. Y.: 1888.

500 copies printed. It contains the following pamphlets, and a bibliography and reference list of the Constitution, 1787–1789:

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[IREDELL,] JAMES. Observations on George Mason's Objections to the Federal Constitution. By Marcus.

[RAMSAY, DAVID.] An Address to the Freemen of South Carolina on the Federal Constitution. By Civis.

"Of all the able writings by our great statesmen in favor of or opposition to the ratification of our national Constitution, *The Federalist* alone is really accessible to the student and historian; the rest, for the most part published anonymously, having suffered the usual fate of pamphlets, and are now only to be found, widely scattered, and without marks of identification, in our public and private libraries, rendering their examination so difficult that, as a class, they have been singularly neglected in the study of that instrument."—*Prospectus.*

Reviewed by President James C. Welling in *The Nation*, XLVIII, p. 56, January 17, 1889; by St. Clair McKelway in the *Brooklyn Eagle*, October 21, 1889; by W. F. Whitber in the *Boston Traveler*, December 7, 1888; in the *Springfield Republican*, February 11, 1889; in the *New York Tribune*, December 24, 1889; and in the *Boston Post*, February 14, 1889.

FORD, PAUL LEICESTER. Bibliography and Reference List of the History and Literature relating to the adoption of the Constitution of the United States, 1787–'88. By Paul Leicester Ford. Brooklyn, N. Y., 8vo. pp. 61.

250 copies printed.

FORD, PAUL LEICESTER. Review of "Bibliotheca Jeffersoniana: A list of books written by or relating to Thomas Jefferson. By Hamilton Bullock Tompkins."

Political Science Quarterly, Vol. III, No. 2, June, 1888.

FORD, PAUL LEICESTER. A list of the members of the Federal Convention of 1787. By Paul Leicester Ford. Brooklyn, N. Y., 1888. 1888.

16mo, pp. (2) 15.

Privately printed. Edition, 100 copies.

In 1819 when John Quincy Adams, by direction of Congress, edited and published the "Journal of the Federal Convention," he drew up from the commissions, etc.,

filed by the attending delegates a list of the members. * * * This list was accepted and republished by Elliot in his "Debates in the State Conventions," by Curtis in his "History of the Constitution," and more recently, in the "Official Programme of the Constitutional Centennial" * * * Thus, this list prepared in 1819 has become a fixture, and both students and autograph collectors have accepted it as correct. There are, however, several omissions, and by reference to original documents, acts, journals, etc., I have increased the list to seventy-four names. To this I have added in such cases as I have been able the reasons of members for declining the appointment, and for the non-attendance of such as failed to be present in the convention; the day of arrival of the attending members; their absences, the date of leaving of those who failed to sign the Constitution, with their reasons, and the part the non-attending or non-signing members took in their own States in support of or opposition to the ratification.—*Extract from preface.*

Originally printed in the *The Collector*, Vol. II, Nos. 13 and 14, September and October, 1888. Reprinted by permission in L. C. Draper's "Essay on the Autographic Collections of the Signers," New York, 1889.

FORD, PAUL LEICESTER. The Authorship of "Plain Truth."

The Pennsylvania Magazine of History and Biography, Vol. XII, No. 4, January, 1889. vo, pp. 421-424.

Relates to the authorship of a tract in reply to Paine's "Common Sense," which had been variously ascribed to the pens of Richard Wells, Alexander Hamilton, William Inglis, Joseph Galloway, and George Chalmers, and which is here claimed for the Rev. William Smith.

FORD, PAUL LEICESTER. Affaires de l'Angleterre et de l'Amérique.

The Pennsylvania Magazine of History and Biography, Vol. XII, No. 2, July, 1889. 8vo, pp. 222-226.

An account and collation of a rare French periodical relating to the American Revolution.

FORD, PAUL LEICESTER. Review of "Benjamin Franklin. By John T. Morse, jr."

Political Science Quarterly, Vol. IV, No. 4, December, 1889. 8vo, pp. 667-668.

FORD, PAUL LEICESTER. Check-list of American Magazines Printed in the Eighteenth Century. By Paul Leicester Ford. Brooklyn, N. Y., 1889.

Sm. 4to, pp. 12.

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FORD, PAUL LEICESTER. Who was the Mother of Franklin's Son? An Historical Conundrum, hitherto given up, now partly answered by Paul Leicester Ford. Brooklyn, N. Y., 1889.

Sm. 4to, pp. 15.

Only 100 copies, privately printed.

Mr. Edmund Quincy declared this question the "one mystery of Franklin's life." Mr. Sparks "looked it up in vain." Mr. Alexander Dallas Bache "considered it as past finding out." Professor McMaster states that it "is not known." Mr. John T. Morse says "no record or tradition remains," nor has any other publicist or historian brought forward the facts here put in print.

FORD, PAUL LEICESTER. Check List of Bibliographies, Catalogues, Reference Lists, and Lists of Authorities of American Books and Subjects. Compiled by Paul Leicester Ford. Brooklyn, N. Y., 1889.

Sm. 4to, pp. 64.

500 copies, printed in single column, on one side of paper only.

This list * * * contains one thousand and seventy (1,070) titles, being over seven hundred more than have hitherto been catalogued in Sabin's, Jackson's, and Vallee's Bibliographies of Bibliography. It includes not only separate bibliographies of these subjects, but also those forming parts of other books. Unlike all former lists, the arrangement is by subject under nineteen divisions and one hundred and fifty subdivisions, with a classification of contents and an author's index.—*Prospectus.*

FORD, PAUL LEICESTER. List of some Briefs in Appeal Causes which relate to America, tried before the Lords Commissioners of Appeals of Prize Causes of His Majesty's Privy Council, 1736–1758. By Paul Leicester Ford. Brooklyn, N. Y., 1889.

8vo, pp. 20.

250 copies, printed on one side of paper only.

The lack of material for the study and history of American trade and commerce before the Revolution is so great that it hardly requires mention. In the writings of Charles Davenant, Josiah Child, Joshua Gee, William Douglas, John Ashley, Edmund Burke, Adam Smith, and in a few fugitive pamphlets is more or less matter on this subject, but it is at best imperfect and fragmentary. Yet this topic is not only important from an economic point of view, but equally so for the history of the causes of our Revolution; for the trade restrictions and admiralty courts on the one side, and the illicit trading and nullification of the English trade laws on the other side, were a most important element in the origin of that war. In the library of Mr. Gordon L. Ford, of Brooklyn, N. Y., are two volumes of practically unknown papers which throw much light on this subject. Originally belonging to Chief Justice William Lee and Sir George Lee, members of the privy council, they consist, for the most part, of the printed briefs in marine cases arising in the French and Spanish war of 1739–1748, appealed from the admiralty courts in England or in the English colonies to that portion of the privy council severally described as the "Lords Commissioners for Appeals in Prize Causes," the "Committee of his Majesty's most Honourable Privy Council for Affairs of the Plantations, or the "Lords Commissioners for hearing Appeals from the Plantations in America in Cause of Prize." As in appeal cases now, only enough of these briefs were printed to give the commissioners and the opposing advocates each a copy; and this probably limited the edition to a dozen or fifteen copies, which sufficiently accounts for their rarity and neglect as historical matter. In these legal arguments and statements, however, is a great mass of American naval and commercial history; and these particular copies are given especial value by many long notes of the two Lees, giving their opinions, the positions of the different members of the privy council, and also the decisions of that body. To make these papers better known I have prepared a list of all that treat of American trade, to which I have added a few notes.—*Preface.*

FORD, PAUL LEICESTER, Editor. Great Words from Great Americans. The Declaration of Independence, the Constitution of the United States, Washington's Inaugural and Farewell Addresses, Lincoln's Inaugural and Farewell Addresses, etc. New York and London: G. P. Putnam's Sons, The Knickerbocker Press, [1889].

12 mo, pp. (2) 207; 2 portraits.

Contains an historical appendix, giving a brief history of the origin of each of these "Great Words," by Paul Leicester Ford. An earlier edition, entitled, "The Ideals of the Republic," contained only a small part of this.

FORD, PAUL LEICESTER. The Inauguration of our Government.
Harper's Weekly, XXXIII, May 4, 1889. pp. 348-364.

FORD, PAUL LEICESTER. Franklin Bibliography. A list of books written by or relating to Benjamin Franklin. By Paul Leicester Ford. Brooklyn, N. Y., 1889.
8vo, pp. lxxi, 467.
500 copies printed, on one side of paper only.
The list contains in all over fifteen hundred titles and references. A number of these have never been catalogued or printed as Franklin's, and many are of great rarity, while the notes definitely settle some of the disputed questions in his life and writings. It has been made uniform with Mr. Bigelow's edition of Franklin's writings (except that fewer copies have been printed), so that it may be made a supplementary volume to that work.—*Prospectus.*
Reviewed by Lindsay Swift in the *Boston Post*, November 29, 1889; by St. Clair McKelway in the Brooklyn Eagle, September 22, 1889; *New York Times*, October 13, 1889; *New York Tribune*, September 30, 1889; *The Nation*, December 5, 1889; *The Evening Post*, December 7, 1889; *Springfield Republican*, September 27, 1889; by F. D. Stone, *Pennsylvania Magazine of History and Biography*, XIII, p. 489; *The Critic*, and *The Athenæum*.

FORD, PAUL LEICESTER. Biographical Sketches of Deceased Members of the New England Society of the City of Brooklyn. 1886–1889.
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FOOTE, HENRY WILDER. In Memory of Charles Sumner. Sermon preached at King's Chapel, Sunday, March 22, 1874, and Services at the Funeral, March 16, 1874. Published by request of the Wardens and Vestry. Boston: Alfred Mudge & Son, 1874.
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FOOTE, HENRY WILDER. The Wisdom from Above. Sermon preached at King's Chapel, Sunday, January 3, 1875, occasioned by the Death of Rev. James Walker, D. D., LL. D., late President of Harvard University. Printed by request. Boston: Alfred Mudge & Son, Printers, 1875.
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Chap. IV, pp. 191–217.

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FOOTE, HENRY WILDER. Annals of King's Chapel from the Puritan Age of New England to the present day. In two Volumes. Vol. I. Boston: Little, Brown and Company, 1882.

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FOSTER, WILLIAM EATON. The United States Constitution. A list of references. Economic Tracts. No. II. Series of 1880–'81. Political economy and political science. Compiled by W. G. Sumner, David A. Wells, W. E. Foster, R. L. Dugdale, and G. H. Putnam. New York: The Society for Political Education, 67 Madison Avenue, 1881.

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12mo, pp. 76, paper covers.

* Second edition. George H. Ellis, 1881.

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Sm. 4to; pt. 1, pp. xx+196; pt. 2, pp. xii+289.

Subscribed for in advance. Strictly limited to 500 copies. 475 copies, small paper; 25 copies, large paper.

Reviewed in *The Nation*, August 7, 1884, v. 39, p. 117–'18, by W. F. Allen; in *The American*, Philadelphia, August 23, 1884, by J. G. Rosengarten; in *Every Other Saturday*, Boston, August 30, 1884, by J. G. Rosengarten; in *Providence Journal*, June 23, 1884, by Henry Mann; in *Book Notes*, Providence, August 16, 1884, by Sidney S. Rider.

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FOSTER, WILLIAM EATON. References to political and economic topics. Prepared by William E. Foster, Librarian of the Providence Public Library, to accompany a series of lectures delivered in Providence, R. I., 1884–'85, under the auspices of the First Congregational Parish. Providence: Providence Press Company, Book Printers, 1885.

Sm. 4to, pp. 27.

FOSTER, WILLIAM EATON. Economic Tracts. No. XVII. References to the history of presidential administrations, 1789–1885. By W. E. Foster, Librarian of Providence Public Library. New York: The Society for Political Education, 31 Park Row, 1885.

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NOTE.—The gentlemen whose able assistance made it possible for Mr. Gay to complete this work in so short a time are mentioned by name in his "Preface" to Vol II and his Introductory to Vol. IV. The publishers have omitted these prefaces for some years past. They have, however, retained the "Introduction," by Mr. Bryant.

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(10) Statistical table. Statistics of the Fisheries of the United States in 1880. Prepared by Messrs. Goode and Earll from the reports of the special agents. Printed in the Compendium of the Tenth Census, p. 1402. pp. 2. Reprinted in Bulletin of the United States Fish Commission, Vol. III, 1883, pp. 270–271, and in Preliminary Catalogue International Fisheries Exhibition facing p. 5.

(11) Statistical table. Table showing by States the quantity of Spanish Mackerel taken in 1880, and the total catch for the United States. By R. Edward Earll. Report United States Fish Commission, Part VIII, 1880, p. 416.

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GOODE, GEORGE BROWN, joint author. The Bank Hand-line Cod Fishery.

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From the *Proceedings of the Biological Society of Washington*, Vol. IV, 1886–'88.

GOODE, GEORGE BROWN. An Interesting Dialogue, in 1676, between Bacon "The Rebel" and John Goode of "Whitby."

Magazine of American History, XVIII, November, 1877, pp. 418–422.

A letter written to Sir William Berkeley by John Goode, a Virginia planter, giving in dialogue form "the full substance of a discourse" between himself and Nathaniel Bacon, which seems to indicate that Bacon was from the beginning of his career in Virginia a seditious personage, and that his rebellion was not the result of Berkeley's failure to support the colonists in their efforts to repel the incursions of the Indians, as Bacon's admirers have sometimes argued, but was premeditated. Dialogue quoted in full from Colonial Entry Book (Public Records Office, London), Vol. LXXI, pp. 232–240.

GOODE, GEORGE BROWN. Memories of Professor Baird.

The Chautauquan, IX, October, 1888, pp. 21–24.

GOODE, GEORGE BROWN. A Brief Biographical Sketch of Professor Baird.

Report of the Secretary of the Smithsonian Institution for 1887–'88, pp. 79–89.

GOODE, GEORGE BROWN. Virginia Cousins. A study of the ancestry and posterity of John Goode of Whitby, a Virginia colonist of the Seventeenth Century, with notes upon related families. A key to southern genealogy, and a history of the English surnames Gode, Goud, Goude, or Good, from 1148 to 1887. By G. Brown Goode, with a preface by R. A. Brock, secretary of the Virginia and Southern Historical Society. [Coat of Arms.] Richmond, Virginia: J. W. Randolph & English, MDCCCLXXXVII.

Sm. 4to, pp. i–xxxvi, 1–526. Many portraits.

Reviewed in *Magazine of American History*, XXI, pp. 174, 175; *New England Historic–Genealogical Register*; *Southern Churchman*, September 6, 1888; *Central Presbyterian*, Richmond, September 12, 1888; *Gloucestershire* (England) *Notes and Queries*, January, 1889.

In the study of the American branch of the family an attempt has been made to trace in female as well as in male lines all the descendants for eight generations of a Virginia colonist who settled on the frontier near the falls of the James about 1659.

Incidentally, in connection with the index, a key is given to the literature of all Southern genealogy, and a catalogue of Virginia families which claimed the right to use coats of arms.

Pedigrees, covering at least three generations, are given for the following Virginia families:

Alexander,	Brockenbrough,	Fry,
Andrews,	*Burwell*,	Gaines,
Bacon,	Capehart,	Garland,
Bagwell,	Carlin,	*Goode*,
Ball,	Carrington,	Gordon,
Baptist,	Cary,	Green,
Barksdale,	Chapman,	*Harries*,
Baskerville,	Claiborne,	*Harrison*,
Beck,	Clarke,	Henry,
Belsches,	*Collier*,	Holt (of Ga.),
Bland,	Daniel,	Horseley,
Blencoe,	Dawson,	Iverson,
Bolling [Pocahontas],	*Dixon*,	Izard (of S. C.),
Botts,	Dupuy,	*Jefferson*,
Bouldin,	*Eggleston*,	Jones,
Boyd,	Fairfax,	*Lemoine*,
Branch,	Feild,	*Lyle*,
Brent,	Finch,	*McKay*,

Marshall,
Mason,
Maury,
Maynard,
Meade,
Megginsas,
Meredith,
Minor,
Morrison,
Mosby,
Murray,
Murrell,
Nelson,
Pocahontas,
Posey,
Powell,
Pryor,
Randolph,
Read,
Rolfe,
Selden,
Sherrod,
Smith,
Southall,
Spotswood,
Stitts,
Tait,
Tatum,
Thornton,
Tucker,
Vaughan,
Venable,
Walker,
Ward,
Wharton.

Also biographical notices of the following persons in public life:

Josiah B. Abbott, of Virginia. [1793–1849.] Editor of the Richmond *Whig*.

Judge Garnett Andrews, of Georgia. [1798–1873.] With portrait.

Col. Garnett Andrews, C. S. A., of Chattanooga. [1837+.] Colonel of Eighth Georgia Battalion.

Fannie Andrews, of Macon, Ga. [1850+.] Novelist.

Col. Franklin K. Beck, C. S. A., of Alabama. [1814–1864.] Killed in battle at "Resaca." Colonel of Twenty-third Alabama Infantry.

Hon. James W. Bouldin.

Col. George W. Brent, C. S. A., of Alexandria. [1821–1872.] Chief of Staff to General Bragg.

Brig. Gen. Goode Bryan, C. S. A. [1811–1885.] Brigadier-General Georgia infantry. [Portrait.]

Maj. Gen. W. P. Carlin, U. S. A. [1829+.] With portrait.

Henry Chadwick, of New York. [1824+.] Journalist.

Col. John Lyle Clarke, C. S. A. [1833+.] Colonel of "Clarke's Battalion of Sharpshooters."

Col. Powhatan Clarke, C. S. A. [1836+.] Professor in Baltimore City College. [Portrait.] Chief of Ordnance Department of Alabama and Mississippi.

General Alfred Cumming, C. S. A. [1829+.] Brigadier-General Georgia infantry.

Hon. Joseph B. Cumming, of Georgia. [1836+.] Colonel of Georgia Infantry.

Hon. John Warwick Daniel, of Virginia. [1842+.] U. S. Senator. With portrait.

Bennett M. DeWitt, of Virginia. Journalist.

General W. S. Fisher, of Texas. [1810–45.] General of Texas troops, and Secretary of War of the Texan Republic.

Col. S. Bassett French, C. S. A., of Virginia. [1827+.] Aide to Governor Letcher, of Virginia.

Hon. Philip Goode Gillett, LL. D. [1833+.] Superintendent of the Illinois Institution for the Deaf and Dumb. With portrait.

Col. C. T. Goode, C. S. A., of Georgia. [1835–'75.] Major Tenth Georgia Infantry; Nineteenth Georgia Cavalry; Colonel Tenth Confederate Cavalry.

Col. Edmund Goode, C. S. A. [1825–'62.] Colonel Fifty-eighth Virginia Infantry. Died in service.

Col. Edmund J. Goode, C. S. A. [1822–'87.] Colonel Seventh Mississippi Infantry.

Hon. John Goode, LL. D., of Virginia. [1829+.] Member of Congress—Solicitor-General of the United States.

Col. J. Thomas Goode, C. S. A., of Virginia. [1835+.] Colonel Thirty-fourth Virginia Infantry. [Portrait.]

Judge Patrick Gaines Goode, of Ohio. [1798–1862.] Portrait. Member of Congress, 1833–1843.

Col. Robert Goode, of the Virginia Continental Army. [1743–1809.]

Hon. Samuel Goode, M. C., of Virginia. [1756–1822.] [Portrait.] Member of Congress, 1799–1801.

Col. Thomas F. Goode, C. S. A., of Virginia. [1825+.] [Portrait.] Colonel Second Virginia Cavalry.

Rev. William H. Goode, D. D.; [1807–1879.] Pioneer Missionary of the M. E. Church; Author; Indian Philanthropist. [Portrait.]

Hon. William O. Goode, of Virginia. [1798–1859.] [Portrait.] Member of Congress, 1841–'43, 1853–'59.

General Alexander A. Greene, C. S. A. [1844–1864.] Killed in battle before Atlanta, Brigadier-General of Alabama Infantry.

William Waller Hening, of Virginia. [1750–1828.] Historian; Author of Virginia Statutes at Large.

Col. Arthur Herbert, C. S. A. Colonel of Seventeenth Virginia Infantry.

Hon. Benjamin H. Hill, of Georgia. U. S. Senate.

Judge Thaddeus Goode Holt, jr., of Georgia. [1837–1886.] Confederate Cavalry Officer; Journalist.

Judge Thaddeus Goode Holt, of Georgia. [1793–1873.] Solicitor-General of Georgia.

Gen. Alferd Iverson, C. S. A. [1829+.] [Portrait.] Brigadier General of Cavalry.

Hon. Alfred Iverson, of Georgia. [1799–1873.] U. S. Senate.

Col. B. W. Johnson, C. S. A., of Arkansas. [1825+.] Colonel Fifteenth Arkansas Infantry.

Col. Thomas Goode Jones, of Alabama. [1846+.] Governor of Alabama, and Commander of Alabama Troops. [Portrait.]

Col. William Rice Jones, C. S. A. [1840+.] Staff of General Magruder.

Lieut. Lafayette Maynard, U. S. N. [1819–1876.] Officer in Mexican War, and California Pioneer. [Portrait.]

General James L. Minor, of Missouri. [1813+.] Secretary of State, and State Superintendent of Schools.

General Isaac Monroe St. John, C. S. A. [1828–1880.] Commissary-General of the Confederacy; Civil Engineer.

Betsy Hening Schermerhorn, of Virginia. Poet.

Hon. William C. Sherrod, M. C., of Alabama [1831+.]

Col. G. P. Smoots, C. S. A. Tennessee Infantry.

Hon. Charles Tait, of Georgia. [1767–1835.] U. S. Senate

Capt. Seth Brett Thornton, U. S. A. [1815–1847.] Killed before Mexico, August 18, 1847, leader of the first engagement in the Mexican War. [Portrait.]

Col. W. J. Vason, C. S. A., of Georgia. Tenth Confederate Cavalry.

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12mo, pp. 479, maps. Three editions, 2,250 copies, electrotyped.

Occupies the view-point of peace and the amicable determination of international differences. A copy being sent to the eminent French historian, Rosseuw Saint-Hilaire, he responded that he would present it to the historical section of the Institute of France, "explaining the special stand-point from which it had been written." Anibal Pinto, President of the Republic of Chili, having received a copy (1880) while engaged in the war with Peru and Bolivia, replied to the author that he would have gladly submitted the claims of his country to arbitration, and he would rejoice to see the end of the war in which he was then embroiled.

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There are 55 illustrations, including maps, but no representations of battles. The wars are all narrated, though briefly. "As a compensation, it is hoped, for brevity in the direction which has been indicated, space has been found for the insertion of a lengthy chapter upon the work of the various government departments, wherein the student will obtain an insight into such useful matters of current history and administration as the coast survey, the life-saving and weather-signal services, immigration, the revenue, the public lands, the geological survey of the Territories, etc. * * * Finally, in lieu of any teaching which might seem to support so narrow and mischievous a political maxim as that which declares for "my country, right or wrong," the attempt has been made through the lessons deducible from our history to magnify the truthfulness of that noble and more Christian motto of our late President, 'I would rather be beaten in the right than succeed in the wrong.'"—*Extract from Preface.*

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Brief sketch of American medical education, with suggestions for improvements, most of which have been adopted by the great schools.

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Atlantic Monthly.

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"I prepared and read before the Historical Society two papers, one upon the 'History of Michigan from its Surrender to the United States by Great Britain in 1795 to the Organization of the Territorial Government in 1805,' and also an elaborate paper on 'Governor Hull and the Civil Administration of Michigan, from its organization as a Territory from 1805 to 1812.' These were published at length in the newspapers.

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Vol. II. Spanish Explorations and Settlements in America from the Fifteenth to the Seventeenth Century, pp. X, X, 640. Mr. Winsor contributed the sections: "Documentary Sources of Early Spanish-American History," "Columbus and his Discoveries." "The Earliest Maps of the Spanish and Portuguese Discoveries," "Vespucius and the Naming of America," "Bibliography of Panponius Mela, Solinus, Vadianus, and Apianus," "Early Cartography of the Gulf of Mexico," "Cortes and his Companions," "Discoveries on the Pacific Coast of North America," and "The Amazon and El Dorado."

Vol. III. English Explorations and Settlements in North America, 1497–1689, pp. XII, 578. Mr. Winsor contributed the sections: "Notes on Hawkins and Drake," "The Zeno Influence on Early Cartography," "Maps of Virginia," "Earliest English Publications on America," "Early Maps of New England."

Vol. IV. French Explorations and Settlements in North America, and those of the Portuguese, Dutch, and Swedes, 1500–1700, pp. X, XXX, 516. Mr. Winsor contributed the sections: "Maps of the Eastern Coast of North America, 1500–'35," "Cartograph of the Northeast Coast of North America, 1535–1609," "Joliet, Marquette, and La Salle," "Father Louis Hennepin," "The Jesuit Relations," "Atlases and Charts of the Sixteenth and Seventeenth Centuries," and "Maps of the Seventeenth Century showing Canada."

Vol. V. The English and French in North America, 1689–1763, pp. VII, 649. Mr. Winsor contributed the sections: "Cartography of Louisiana and the Mississippi Basin under the French Domination," "New England, 1689–1763," "Maryland and Virginia," "The Sources of Carolina History," "The French and Indian Wars of New England and Acadia, 1688–1763," "Map and Bounds of Acadia," and "The Struggle for the Great Valleys of North America."

Vol. VI. The United States of North America, Part I, pp. VII, 777. Mr. Winsor contributed the sections: "The Conflict Precipitated, 1762–1775," "The Sentiment of Independence," "Notes on the Struggle for the Hudson," "Notes on the Struggle for the Delaware," "The Treason of Arnold," "Events in the North, 1779–'81," "Notes on the Naval History of the American Revolution," and "The Closing Scenes of the War."

Vol. VII. The United States of North America, Part II, pp. VII, 610. Mr. Winsor contributed the sections: "Notes on the Fisheries and the Northern Boundary Controversies of the United States," "The Confederation," "Notes on the Constitutional History of the United States," "Critical Essay on the History of Political Parties," "Indian Treaties and Wars," "Notes on the Diplomacy of the United States," "Territorial Acquisitions and Divisions of the United States" (with Prof. Edward Channing), and "The Portraits of Washington."

Vol. VIII. The Later History of British, Spanish, and Portuguese America, pp. VIII, 596. Mr. Winsor contributed the sections: "Note on the Hudson Bay Company," "Critical Notes on Arctic Explorations in the Eighteenth and Nineteenth Centuries," "Note on Newfoundland," "Spanish North America," "The West Indies and the Spanish Main," "The Bibliography of Brazil," "Notes on La Plata, Guiana, etc.," "The Historical Chorography of South America," "The Manuscript Sources of the History of the United States of America, with particular reference to the American Revolution," "Comprehensive Printed Authorities upon the General and upon some Special Phases of the History of the United States," and a "Chronological Conspectus of American History."

Nearly all the other contributors to this history are members of the American Historical Association.

WINSOR, JUSTIN. Report to the Legislature of Massachusetts made by the Commissioners upon the condition of the records, files, papers, and documents in the Secretary's Department. Boston, 1885.

8vo, pp. 42.

The Commission consists of the Secretary of the Commonwealth with four others, Mr. Winsor being one; and on him devolved the writing of the report. The recommendations of the report were adopted and the Commission continued to carry them out. The archives are now undergoing arrangement and cataloguing and indexing. When this is done, printing will probably begin.

WINSOR, JUSTIN. Two brief Papers: being "The Abandoned Boston;" "The extent of the Continental line of the Revolutionary Army Misconceived." Cambridge, 1886.

8vo, pp. 10.

Reprinted from the *Proceedings of the Massachusetts Historical Society*, January, 1886.

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Also contained in "The two hundred and fiftieth anniversary of the settlement of Duxbury, June, 17, 1887. Plymouth, 1887."

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This was a popular exposition of the results embodied later more at length in the appendix of Vol. VIII of the "Narrative and Critical History of America."

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8vo, pp. 329.

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The papers referred to are now in press, by the Provincial government of Quebec.

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8vo, pp. 88.

No. 22, of the Bibliographical contributions of Harvard College Library.

These papers are mainly copies from the general and State archives of the United States; from family papers in America and England, and from the archives of European countries. Only a few of them originals, like the paper of Sir Francis Bernard and such autograph specimens of distinguished men of the American Revolution, as Sparks was allowed to keep as memorials; taken from the Washington manuscripts.

The collection of manuscript maps, some of them originals of the French and Revolutionary War, was considered as belonging to Sparks's library and went with that collection to Cornell University. The Sparks family still retains the historian's journals and personal correspondence.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 171.

IN THE SENATE OF THE UNITED STATES.

JUNE 20, 1890.—Ordered to be printed.

Mr. EDMUNDS submitted the following

RESOLUTION:

Resolved, That a committee of seven be, and is hereby, constituted, whose duty it shall be to take into immediate consideration the state of the administrative service of the Senate and report to the Senate as early as may be what measures should be adopted in respect of the greatest efficiency and economy of the service.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 172.

IN THE SENATE OF THE UNITED STATES.

JUNE 24, 1890.—Presented by Mr. Pettigrew, referred to the Committee on Appropriations and ordered to be printed; to accompany amendment to H. R. 10726.

PAPERS RELATING TO THE ESTABLISHMENT OF AN INDIAN INDUSTRIAL SCHOOL AT FLANDREAU, SOUTH DAKOTA.

DEPARTMENT OF THE INTERIOR,
Washington, February 6, 1890.

SIR: This Department is in receipt, by reference of 22d ultimo, from your committee, for examination and report, of S. 2167, "To provide for building and maintaining an Indian Industrial School at Flandreau, in the State of South Dakota."

In response thereto I have the honor to transmit herewith copy of communication of 29th ultimo, from the Commissioner of Indian Affairs, to whom the matter was referred, in which, after a brief discussion of the advantages to be derived from the establishment of a school at Flandreau, he expresses the opinion that the school service will be greatly benefited by the passage of Senate bill No. 2167.

The bill is herewith returned.

Very respectfully,

J. W. NOBLE,
Secretary.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 29, 1890.

SIR: I have the honor to acknowledge the receipt of your letter of January 22, inclosing copy of Senator Pettigrew's bill to provide for building and maintaining an Indian Industrial School at Flandreau, in the State of South Dakota, and appropriating for the purpose $50,000, introduced in the Senate January 20, 1890, and referred by the honorable Senate Committee on Indian Affairs to the Department of the Interior for examination and report.

The Flandreau Indians in South Dakota have long since taken their lands in severalty, and are an industrious and fairly prosperous community, citizens of the new State, and a part of its civilization, exercising the franchise with a good degree of intelligence and appreciating its importance.

Flandreau is conveniently situated with reference to the great Sioux Reservations west of the Missouri River and the Sisseton Reservation

on Lake Traverse. It will therefore be a good location for an industrial school, inasmuch as it will be in the same climate as the Sioux Reservations, and at no great distance therefrom, but far enough away to escape the demoralizing influences of the example of the older Indians on the reservation.

A school located at Flandreau, and properly conducted, will have many of the advantages now obtaining at the large Eastern schools, with few of the disadvantages alleged against the latter schools by the advocates of reservation schools.

The example of the Flandreau Indians tilling the soil, living in houses, and engaged in all the pursuits of civilized life, would be an object-lesson to the pupils from the reservation tribes of great value.

I would therefore respectfully state, in my opinion, the school service will be greatly benefited by the passage of Senate bill No. 2167.

Very respectfully,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

SIOUX FALLS, S. DAK., *March* 17, 1890.

My Dear Mr. PETTIGREW: Permit me to write a few lines in the interest of the Indian boarding-school which has been proposed for the town of Flandreau.

(*a*) The town is one of the best situated in South Dakota.

(*b*) The country is not excelled in productiveness by any part of the State.

(*c*) There is an Indian population in the county of several hundred.

(*d*) The town is easy of access from the Sisseton Reserve on the north and from the great Sioux Reserve on the west.

(*e*) There is already a nucleus of an enterprise of the kind now advocated in an Indian day-school which has been conducted by the United States in the town of Flandreau for many years.

(*f*) The relations of the white people and the Indians in the country have been mutually satisfactory.

In view of these facts, and of others which might be mentioned, I think the establishment of an Indian industrial boarding-school in Flandreau very desirable. I write with some knowledge, as I have visited the Indians near Flandreau every year of the past seventeen years and have known the town ever since it was begun.

Yours, very truly,

W. H. HARE,
Missionary Bishop.

We, the undersigned, head-men and members of the Sisseton and Wahpeton Sioux Indians, residents of South Dakota, do hereby petition that the honorable Commissioner of Indian Affairs do recommend that the present Congress establish an industrial school for the education of the Indians at Flandreau, S. Dak.

We make this petition because we fully believe that the best interests of education among the Sioux Indians in this manner will be advanced by establishing a school in a locality where all the Indians have become civilized and Christianized, and thus will exercise the most powerful influence for good among our people:

Gabriel Renville, Wilan Epinoupa, Amos Ecetukiya, Hoklina Vaste, Akipa, Wakanto, Tiomanipi, Winmeli Eluta, John T. Lynd, John Redearth, Dan. Redearth, Henry Redearth, Willie Red Earth, Tomni Yage, Caske Macehirmaga, Lio Skiusmaza, Innihon, Philip LaBatts, Zachary Fleete, John Campbell, Samuel Quinn, John Bear, Henry A. Bear, Moses Red Day, Frank W. Cutting, Sylvester Robertson, Davi Faribault, William Faribault, James Lang, Wicankabdecena, Alexis P. Bailly, David Eastman, William L. Quinn, D. J. Robertson, Victor Renville, Tukisko, Alexis F. Bailly, Peter Renville, Wowemnaka, Sayapi, Wiciniha, Herkawayakapi, Gigiya, Moses Renville, Pteona, Mapiyotokahna, Ohitinaka, Robert White, Thos. Eagle, Tawahikpeatan, Felix Randell.

Adam Hepa, Rucena, Wicanepiduta, Totiyopomaja, George, B. Keble, Waminuha, Charles Lovejoy, Charley Blue Dog, Oyemanza, Simkatoicaye, Nigatopana, Toparyatanke, Wakinyansapa, Piya, Elia Renville, Chas. Good Boy, Rinana, Geo. H. Bailly, John Baille, Joseph De Marrias, Narcis W. De Marrias, Thomas Quinn, Samuel Red Crow, Thomas Lawrence, G. A. Robertson, Benedict M. Bearer, Alexander J. Cold, Joseph M. Bearer, David Two Stars, Tebunka Kaska, Mazahobtaste, Thiraka, Ritkanasa, Deban, Kunpeska, Hoksina Wanyakapi, Itehekta, Canku Vangina, Nakpata, Sunkaska, Soms Ranville, Dowankokipapi, Danhoksina, Anderson Crawford, Thomas Crawford, Adam N. Crawford, Henry A. Crawford, Gabriel D. Robertson, Jacob Heduta, Tawahinkpeota, Chas. R. Crawford.

51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 173.

IN THE SENATE OF THE UNITED STATES.

JUNE 24, 1890.—Presented by Mr MORGAN, referred to the Committee on Foreign Relations, and ordered to be printed.

PETITION OF G. RODNEY BURT AND OTHER CITIZENS OF THE UNITED STATES IN RELATION TO CERTAIN LANDS OWNED BY THEM IN THE FIJI ISLANDS.

To the President of the United States of North America, Washington, D. C., and the Fifty-first Congress:

This, the petition of the undersigned, who by birth or naturalization are citizens of the United States of North America, respectfully showeth:

That, first, your petitioners are the true and rightful owners of certain lands in the Fijian group of islands in the South Seas, now known as the British Colony of Fiji, or are directly interested in claims to the ownership of lands in the said group of islands preferred by citizens of the United States, and that title deeds or crown grants for such lands have been wrongfully and unjustly refused to them by the British Government, whereby your petitioners have suffered grievous wrong, and have been subjected to serious pecuniary loss and injury.

That, second, all the aforesaid lands were alienated by their native owners long prior to the cession of the islands by the chiefs thereof to Great Britain, and became the property of American citizens by deed of purchase, or by other lawful or equitable modes of acquisition or transfer. From consular records it appears that the purchase of lands in Fiji from the natives by American citizens dates from as far back as 1846, whilst the deed of cession was only signed in 1874.

That, third, prior to the completion of the act of cession to Great Britain, our resident consular officer, in conjunction with the consul of the Imperial Germanic Government, recorded a protest with the ministers of Cakobau, then recognized as King of Fiji, against such cession being carried out to completion unless the rights to lands and other privileges acquired by American and German citizens were fully protected.

That, fourth, by and under the provisions of the deed of cession all lands bona fide alienated to European and other foreign owners by the natives prior to the date of cession were (subject to investigation) to be recognized as the lands of such persons.

That, fifth, with the view of ascertaining what lands had so been bona fide alienated, it was decided by the British Government to appoint a commission to inquire into all claims to lands so arising, and under date of March 4, 1875, the British colonial secretary wrote to the then governor of Fiji as under—*i. e.:*

1st. "With the view of disturbing as little as possible existing tenures, and of maintaining all contracts honestly entered into before the cession, the colonial government should forthwith require all Euro-

peans (or aliens) to give satisfactory evidence of their transactions with the natives, and if the land appears to have been acquired fairly a crown grant should issue to the owners forthwith."

2d. "In appointing a commission to deal with this question, it is most important that it shall be independent of local influence, and composed, as far as possible, of persons unconnected with the colony prior to the cession."

That, sixth, the British colonial government of Fiji promised to give crown grants of the lands to those persons who had titles to the lands. As the British Government and the laws of the Colony do not recognize any title except one founded on a crown grant, the old titles from the natives are of no use whatever. All the title deeds obtained from the natives have been handed over to the government, who, whether a crown grant is now allowed or not, refuse to return to claimants their original deeds, under the powers conferred by an ordinance which came into force only in February, 1884, after claimants had parted with their original deeds.

That, seventh, towards the end of 1875 a commission was appointed by the colonial government to inquire into claims for lands acquired prior to the date of cession, but such commission, so far from being composed of persons independent of local influence (see preceding paragraphs), was composed of members of the governor's staff, of stipendiary magistrates, and other government officials, nearly all of whom virtually held their appointments at the pleasure of the governor.

That, eighth, at first the courts of inquiry sitting on this commission were composed of two or more members, but subsequently to the close of the year 1876, up to which date but very few claims had been dealt with, there was seldom more than one commissioner sitting.

That, ninth, at the inquiries by the commission far more weight was attached to oral native statements than was given to properly-attested and registered deeds bearing the consular seal, and often in addition thereto the consul's certificate that he himself had ascertained the bona fides of the sale. As regards the native evidence so given, it was frequently from hearsay accounts, statements made by men far too young to have properly known or remembered the circumstances under which the sale or sales were effected.

That, tenth, after the inquiry as aforesaid had been concluded, a report based, it is presumed, on the evidence given, was forwarded to the governor, and the claim adjudicated on by him in council, whereas the evident intention of the British Government, as is shown by the dispatch before quoted from, was, that all claims to land should be decided by an independent commission. In some instances the governor has utterly ignored the recommendations of the commissioners or commissioner, and has refused to allow claims which on inquiry had been considered perfectly just ones. The reports and recommendations of the commissioners were, so far as the public were concerned, kept a profound secret, and it is only in the last few years, through publication in the blue books in England, that any of them have been disclosed.

That, eleventh, that Sir Arthur Gordon, the first governor of Fiji, was strongly prejudiced in favor of the native races was a matter of common notoriety, so much so, that when white and colored interests clashed, even-handed justice was not expected even by his own countrymen, and the same may be said of his successor, Sir G. W. Des Vœux, both of whom have appeared to think and believe that the allowance of any claims for lands purchased in former years was a hardship *on the natives.*

That, twelfth, in all cases after the inquiry had been closed, and the reports sent in, months elapsed before the allowance or disallowance of the lands claimed was made known to the claimants, and in many cases years elapsed before this was done. In the interval the natives frequently re-occupied the lands claimed, cultivating, and in some instances rebuilding thereon. In the case of disallowance, such re-occupation proved an almost insuperable bar to successful appeal against the first decision, no matter how clearly the claimant might prove the equity of claim made.

That, thirteenth, although in cases where the whole or any portion of the lands claimed was disallowed, the claimants were permitted the right of appeal, yet

1st. The claimant was debarred from adducing any additional evidence which might have become available since the date of holding the first inquiry, except by special permission of the board of appeal.

2d. That in making appeal against disallowance of a portion of the acreage claimed, the appellant incurred the risk of having his original grant revoked or reduced arbitrarily and without cause assigned.

3d. That the final decision virtually remained in the hands of the governor-in-council, who had already adjudicated thereon; and

4th. That whatever the "governor-in-council" might mean in theory, in fact it meant the governor only.

Such permission to appeal became therefore a mere mockery of justice and equity.

That, fourteenth, all original purchases from the native owners extended to low-water mark, but in one instance only has the foreshore, in some cases the most valuable portion of the property claimed, been granted to the owners, the exception being made in favor of the Marist Roman Catholic Mission in regard to Levuka lands owned by them.

That, fifteenth, of the lands which have been disallowed a very considerable area had been held in possession, in many instances cultivated, by the claimants without let, hindrance, or obstruction from the natives.

That, sixteenth, as regards the bulk of the lands thus disallowed, although the owners may never have been in actual occupation of the land, or have otherwise utilized it, yet their ownership has been at all times freely admitted by the natives, except at the inquiries, but even at the inquiries they often acknowledged the sale of lands a title to which has nevertheless been refused to the rightful owners.

That, seventeenth, although in some instances it seems probable that the rightful native owners were forcibly dispossessed of their lands by their tribal chiefs, who sold the same and received the purchase money, yet the claimants paid value for the lands and believed they had acquired them in accordance with native usage and custom. The purchasers saw that the chiefs sold the land openly, with the knowledge and apparently the approbation of the tribe of commoners. Whatever may have been the hypothetical *de jure* rights of the commoners the chiefs had unquestionably a *de facto* right to sell, and moreover the chiefs either distributed the purchase money amongst their people, or, as in the case of arms and ammunition, kept and employed them for the aggrandisement or protection of their people.

That, eighteenth, your petitioners have exhausted all the means of redress permitted to them by British law, and moreover, the English Government has exhibited a marked indifference to the repeated appeals sent forward by British subjects, smarting under the like losses and grievous wrongs as those of which your petitioners now make complaint, and they would urge

That, nineteenth, the British Government having accepted the cession, not only of the sovereignty, but with certain exceptions of the ownership of the soil of the Fijian group of islands from the chiefs they have thereby admitted the right and power on the part of the chiefs to sell and alienate the lands, the exceptions referred to in the deed of cession in no way impugning the right of the chiefs to sell land to any one before the cession took place.

That, twentieth, by the deed of cession it is provided that all lands not alienated to Europeans (or other foreigners) prior to the date of cession, nor then, nor thereafter to be required for the actual support and maintenance of the native race should become the property of the British crown. Your petitioners would further urge for the consideration of your Government

That, twenty-first, subjects of the German Empire who had acquired lands in Fiji in the same way as your petitioners have acquired them, who had taken the same steps to acquire titles as your petitioners have done, and to whom titles have been refused, appealed to their Government with the result that a commission composed of members of both nations was appointed by the British and German Governments to investigate and settle the matter of dispute. This commission awarded compensation in all cases (but two) to the claimants for redress on account of the refusal of titles and the consequent loss of lands, which compensation as awarded has been paid by the British Government. But it was not until great pressure had been brought into play that the British Government consented to submit to the arbitration of the commission.

And, twenty-second, your petitioners being fully convinced of the justice of their claims for compensation on account of the losses they have sustained from the wrongful acts of the British Colonial Government of Fiji, believe that a like good result would follow in their case if forcible representations on the subject were made by our Government to the British Government.

And therefore, twenty-third, your petitioners now pray that you will be pleased to take their case into consideration, and if satisfied of the justice and reasonableness of their claim for redress as herein preferred, will, through your Government, make such representations to the British Government as will lead to your petitioners obtaining redress and compensation for the grievous wrongs they have suffered and the losses which they have sustained, and for which they as individuals are now unable to obtain redress, or

That should, twenty-fourth, the information now herein laid before you be deemed not ample enough or not sufficiently verified to satisfy you as to the justice of our claims, that you will be pleased to send a commissioner or commissioners out to Fiji to inquire into the same, and to investigate to the fullest possible extent the whole subject-matter of claims preferred, and that a commission composed of members of both nations (American and British Governments) be appointed to meet at Washington, D. C., to investigate and make awards in satisfaction of said losses incurred by all United States citizens through the said acts of the British Government.

Your petitioners as in duty bound now and will hereafter ever pray, etc.

G. RODNEY BURT: 3,000 acres, more or less, disallowed.

MOSES WORK & JAMES BYRNE: 1,000 acres, more or less, disallowed.

WILLIAM BERWICK: 5,000 acres, more or less, disallowed.

JOHN O. FARRO: 300 acres, more or less, disallowed.

FRANCIS P. WINTER (executor of the late George Winter): 30,000 acres, more or less, disallowed.
GEORGE HALSTED: Ringold Islands, 6 (6) islands, disallowed.
CHARLES ROUNDS & JOSEPH ROUNDS: 263 acres, more or less, disallowed.
ISAAC RYDER: 310 acres, more or less, disallowed.
ABRAM RYDER: 600 acres, more or less, disallowed.
THOMAS FARRELL: 400 acres, more or less, disallowed.
CAROLINE MCGOON: Quantity unknown.
JOE KING: Quantity unknown.
VILISE, VITIYEME, MERE & TIOTI: Quantity unknown. These persons are the heirs of an American Indian, known by the name of "Indian John," who many years ago was paid off in Fiji from an American vessel employed in the whale fishery. U. States Statutes may not recognize him as a citizen, but through being an American seaman he may be entitled to the protection of his property. This question is laid before you to judge therefrom.—H. H. B.
HENRY BAILY: Quantity unknown.
MARY DYER: Quantity unknown.
LUI BROWN: Quantity unknown.
JOHN HALE: Quantity unknown.
DAVID MCGOON: Quantity unknown.
WILLIAM PECKHAM: 320 acres, more or less, disallowed.
JACOB STEINER: Quantity unknown.
JAMES MADISON SHUTE: 1,500 acres, more or less, disallowed.
SAMUEL WHIPPEY & PETER WHIPPEY: 1,800 acres, more or less, disallowed.
ISAAC DRIVER: 2,750 acres, more or less, disallowed.
MARTIN MAY: 4,700 acres, more or less, disallowed.
J. & L. GALLAGHER: 3,000 acres, more or less, disallowed.
GEORGE TRASK: 3,000 acres, more or less, disallowed.
W. H. BRUCE: 2,000 acres, more or less, disallowed.
JOSEPH THOMPSON: Quantity unknown.
ELI UNDERWOOD: Quantity unknown.
EPHRAIM HATHAWAY: Direction Island, quantity unknown.
BENJAMIN MORRIS (as executor late J. N. Morris): 1,100 acres, disallowed.

LEVUXA, FIJI, *July 1st*, 1887.

[Inclosure No. 6.]

Supplementary list of U. States citizens, claimants, resident outside of Fiji and not legally represented at this end to sign the petition on their behalf.

J. B. WILLIAMS, heirs, Boston, Mass.
G. LEE, San Francisco, Cal.
J. K. STEWART, Monroe, La.
——— PREBBLE, Lower Cal.
H. H. FIELD, Cal.
J. M. BROWER, Ohio.
B. R. HENRY, Cal.*
T. A. COPELAND, Cal.*
J. H. WILLIAMS, Sydney, N. S. Wales.

[Inclosure No. 7.]

Supplementary list of U. States citizens, claimants, resident in isolated parts of Fiji, who have not had the opportunity to sign the petition.

J. PARROT.
W. COBBET.
W. VALENTINE.
J. RYAN, heirs of.
W. ROSS, heirs of.
G. PETERSON, heirs of.
J. DICK, heirs of.
—— FORBS, heirs of.
—— BURNS, heirs of.

*Refer to inclosure No. 8.

51ST CONGRESS, 1st Session. | SENATE. | MIS DOC. No. 174.

IN THE SENATE OF THE UNITED STATES.

JUNE 25, 1890.—Ordered to be printed.

Mr. INGALLS submitted the following

RESOLUTION:

Resolved, That the Committee on Privileges and Elections be directed to inquire into the publication of the "personal explanation" of the Hon. Wilkinson Call in the Congressional Record of this date, and report whether the same is in accordance with the rules, regulations, and practice of the Senate, and that the said explanation be withheld from the permanent edition of the Record until the further order of the Senate.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 175.

IN THE SENATE OF THE UNITED STATES.

JUNE 25, 1890.—Ordered to be printed.

Mr. CALL submitted the following

RESOLUTION:

Resolved, That the Secretary of the Senate be, and he is directed to prepare an official statement from the Senate document—a history of bills and resolutions of the Senate—of the number of bills introduced by each Senator, and the number which passed the Senate, and the number which became laws.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 176.

IN THE SENATE OF THE UNITED STATES.

JUNE 26, 1890.—Referred to the Committee on Education and Labor and ordered to be printed.

COMMUNICATION FROM THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA IN RESPONSE TO SENATE RESOLUTION OF THE 15TH ULTIMO, IN REGARD TO THE HOURS OF WORK AND WAGES OF LABORERS EMPLOYED BY THE DISTRICT GOVERNMENT.

OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA,
Washington, June 24, 1890.

SIR: The Commissioners have to make the following reply to the resolution of the Senate of the 15th ultimo, requesting them to inform the Senate if laborers employed by the District government on public works in the District of Columbia are required to work more than eight hours for a day's work, and if so, to what extent and under what law. Also, if laborers employed on such work in the county receive less pay than those in the city, and if so, why such discriminations are made, and by what legal authority it is done; and how many employés, as nearly as can conveniently be stated, are paid by the District of Columbia; their classification, rate of payment, and number of hours of their daily work.

The accompanying statement shows the classification, the rate of payment, and the number of hours of daily work of the various classes of employés paid by the District of Columbia.

It will be seen from this statement that many of these employés work more than eight hours a day. The Commissioners do not know of any law regulating the payment and the number of hours of employment of District laborers.

A law of the late corporation of Washington prescribed the number of working hours of laborers employed on its public works and amount of daily pay, but that law applied only to the laborers of that corporation and expired with its charter.

Laborers in the suburban sections are paid less than those employed in the city on District work. The reason is that laborers for private persons in the country are paid less than in the city, and the Commissioners adopt the standard of wages established in the community where the work is performed. In the absence of any law controlling the rate we do not feel at liberty to pay more from the funds of the District for services than business men pay for similar services.

Very respectfully,

L. G. HINE,
Acting President Board of Commissioners.

Hon. L. P. MORTON,
President of the Senate.

Statement showing classification, rate of payment, and number of hours of daily work of the various classes of employés of the District of Columbia.

No.	Classification.	Where employed.	Hours per day.	Compensation.	Remarks.
	EXECUTIVE OFFICE.				
1	Secretary	City	7 hours	p. a. $2,160.00	Regular roll.
1	Clerk	do	do	p. a. 1,500.00	Do.
1	do	do	do	p. a. 1,400.00	Do.
1	do	do	do	p. a. 1,200.00	Do.
1	do	do	do	p. a. 1,200.00	Do.
1	Stenographer	do	do	p. a. 1,200.00	Do.
1	Messenger	do	9 hours	p. a. 600.00	Do.
1	do	do	7 hours	p. a. 480.00	Do.
1	Laborer	do	9 hours	p. d. 1.00	Do.
	ASSESSOR'S OFFICE.				
1	Assessor	City	7 hours	p. a. 3,000.00	Regular roll.
1	Assistant assessor	do	do	p. a. 1,600.00	Do.
1	do	do	do	p. a. 1,600.00	Do.
1	Special assistant clerk	do	do	p. a. 1,700.00	Do.
1	Clerk	do	do	p. a. 1,200.00	Do.
1	do	do	do	p. a. 1,000.00	Do.
1	do	do	do	p. a. 1,000.00	Do.
1	Clerk (records)	do	do	p. a. 1,000.00	Do.
1	Clerk (license)	do	do	p. a. 1,200.00	Do.
	Inspector of license	do	do	p. a. 1,200.00	Do.
	Clerk	do	do	p. a. 1,000.00	Do.
	Assistant or clerk	do	do	p. a. 900.00	Do.
	Clerk and messenger	do	do	p. a. 900.00	Do.
	COLLECTOR'S OFFICE.				
1	Collector	City	7 hours	p. a. 4,000.00	Regular roll.
1	Cashier	do	do	p. a. 1,800.00	Do.
1	Book-keeper	do	do	p. a. 1,600.00	Do.
1	Clerk	do	do	p. a. 1,400.00	Do.
1	do	do	do	p. a. 1,400.00	Do.
1	do	do	do	p. a. 1,400.00	Do.
1	do	do	do	p. a. 1,400.00	Do.
1	do	do	do	p. a. 1,200.00	Do.
1	do	do	do	p. a. 1,200.00	Do.
1	do	do	do	p. a. 1,200.00	Do.
1	Messenger	do	9 hours	p. a. 600.00	Do.
	AUDITOR'S OFFICE.				
1	Auditor	City	7 hours	p. a. 3,000.00	Regular roll.
1	Chief clerk	do	do	p. a. 1,800.00	Do.
1	Book-keeper	do	do	p. a. 1,800.00	Do.
1	Clerk	do	do	p. a. 1,600.00	Do.
1	do	do	do	p. a. 1,400.00	Do.
1	do	do	do	p. a. 1,400.00	Do.
1	do	do	do	p. a. 1,200.00	Do.
1	do	do	do	p. a. 1,200.00	Do.
1	do	do	do	p. a. 1,200.00	Do.
1	Messenger	do	9 hours	p. a. 600.00	Do.
	ATTORNEY'S OFFICE.				
1	Attorney	City	7 hours	p. a. 4,000.00	Regular roll.
1	Assistant attorney	do	do	p. a. 2,000.00	Do.
1	Special assistant attorney	do	do	p. a. 1,200.00	Do.
1	Law clerk	do	do	p. a. 1,200.00	Do.
1	Messenger	do	9 hours	p. a. 200.00	Do.
	SINKING-FUND OFFICE.				
1	Clerk	City	7 hours	p. a. 1,500.00	Regular roll.
1	do	do	do	p. a. 900.00	Do.
	CORONER'S OFFICE.				
1	Coroner	City	Always on duty.	p. a. 1,800.00	Regular roll.
	MARKET MASTERS.				
1	Market master	City	Indefinite	p. a. 1,000.00	Regular roll
1	do	do	do	p. a. 1,000.00	Do.
1	do	do	do	p. a. 900.00	Do.

Statement showing classification, rate of payment, etc.—Continued.

No.	Classification.	Where employed.	Hours per day.	Compensation.	Remarks.
	METROPOLITAN POLICE.				
1	Major and superintendent	City and county.	Always on duty.	p. a. $2,700.00	Regular roll.
1	Captain	do	do	p. a. 1,800.00	Do.
1	Lieutenant inspector	do	do	p. a. 1,500.00	Do.
1	do	do	do	p. a. 1,500.00	Do.
1	Chief clerk and property clerk	City	7 hours daily, and Sunday mornings.	p. a. 1,800.00	Do.
1	Clerk	do		p. a. 1,500.00	Do.
1	do	do	7 hours	p. a. 900.00	Do.
1	Surgeon for police and fire department.	City and county.	Always on duty.	p. a. 480.00	Do.
1	do	do	do	p. a. 480.00	Do.
1	do	do	do	p. a. 480.00	Do.
1	do	do	do	p. a. 480.00	Do.
9	Lieutenants	do	do	11,880.00	Do.
28	Sergeants	do	13 hours	31,920.00	Do.
185	Privates, class 1	do	12 hours	166,500.00	Do.
150	Privates, class 2	do	do	162,000.00	Do.
19	Station keepers	do	10 and 12 hours	13,680.00	Do.
9	Laborers	do	12 hours	4,320.00	Do.
1	Messenger	City	7 hours, and Sunday mornings.	p. a. 700.00	Do.
1	do	do	7 hours	p. a. 500.00	Do.
1	Major and superintendent (mounted).	City and county.		p. a. 240.00	Do.
1	Captain (mounted)	do		p. a. 240.00	Do.
25	Lieutenants, sergeants, and privates (mounted).	do		6,000.00	Do.
1	Van driver	do	8 hours	p. a. 360.00	Do.
1	Ambulance driver	do	Always on duty.	p. a. 480.00	Do.
1	Assistant ambulance driver	do	do	p. a. 300.00	Do.
7	Drivers, patrol wagons	do	14 hours	2,520.00	Do.
3	Police matrons	City	12 hours	1,800.00	Do.
	FIRE DEPARTMENT.				
1	Chief Engineer	City and county.	Always on duty.	p. a. 1,800.00	Regular roll.
1	Fire Marshal	do	Indefinite	p. a. 1,000.00	Do.
1	Clerk	City	7 hours	p. a. 900.00	Do.
2	Assistant chief engineers	City and county.	Always on duty.	2,400.00	Do.
10	Foremen	do	do	10,000.00	Do.
8	Engineers	do	do	8,000.00	Do.
8	Firemen	do	do	6,720.00	Do.
2	Tillermen	do	do	1,680.00	Do.
11	Hostlers	do	do	9,240.00	Do.
68	Privates	do		54,400.00	Do.
6	Watchmen	do	8 hours	3,600.00	Do.
1	Veterinary surgeon	do	Indefinite	p. a. 400.00	Do.
	TELEGRAPH AND TELEPHONE SERVICE.				
1	Superintendent	City and county.	8 hours	p. a. 1,600.00	Regular roll.
1	Electrician	City	10 hours	p. a. 1,200.00	Do.
2	Telegraph operators	do	12 hours	2,000.00	Do.
3	Telephone operators	do	8 hours	1,800.00	Do.
1	Expert repairmen	City and county.	10 hours	p. a. 960.00	Do.
2	Repairman	do	do	1,440.00	Do.
2	Laborers	do	do	800.00	Do.
	HEALTH DEPARTMENT.				
1	Health officer	City and county.	Always on duty.	p. a. 3,000.00	Regular roll.
6	Sanitary inspectors	do	7 hours	7,200.00	Do.
2	Food inspectors	do	do	2,400.00	Do.
1	Inspector marine products	do	do	p. a. 1,200.00	Do.
1	Clerk	do	do	p. a. 1,800.00	Do.
1	do	do	do	p. a. 1,400.00	Do.
2	do	do	do	2,400.00	Do.
1	do	do	do	p. a. 1,000.00	Do.
1	Messenger	do	12 hours	p. a. 540.00	Do.
1	Poundmaster	do	7 hours	p. a. 1,200.00	Do.
4	Laborers	do	9 hours	1,920.00	Do.
1	Ambulance driver	do	do	p. a. 480.00	Do.
	POLICE COURT.				
1	Judge	City and county.	Indefinite	p. a. 3,000.00	Regular roll
1	Clerk	do	8 hours	p. a. 2,000.00	Do.

Statement showing classification, rate of payment, etc.—Continued.

No.	Classification.	Where employed.	Hours per day.	Compensation.	Remarks.
	POLICE COURT—continued.				
1	Deputy	City and county	8 hours	p. a. $1,000.00	Regular roll.
2	Bailiffs	do	Indefinite	p. d. 3.00	Do.
1	Messenger	do	8 hours	p. a. 900.00	Do.
1	Doorkeeper	do	Indefinite	p. a. 540.00	Do.
	WASHINGTON ASYLUM.				
1	Intendent	City	Always on duty	p. a. 1,200.00	Regular roll.
1	Matron	do	do	p. a. 600.00	Do.
1	Visiting physician	do	Daily call	p. a. 1,080.00	Do.
1	Resident physician	do	Always on duty	p. a. 480.00	Do.
1	Clerk	do	12 hours	p. a. 600.00	Do.
1	Baker	do	do	p. a. 420.00	Do.
1	Overseer	do	18 hours	p. a. 800.00	Do.
5	Overseers	do	do	3,000.00	Do.
1	Engineer	do	12 hours	p. a. 600.00	Do.
1	Assistant engineer	do	do	p. a. 350.00	Do.
1	Second assistant engineer	do	do	p. a. 300.00	Do.
5	Watchmen	do	18 hours	1,825.00	Do.
1	Blacksmith	do	10 hours	p. a. 300.00	Do
1	Ambulance driver	do	do	p. a. 240.00	Do.
1	Female keeper	do	18 hours	p. a. 300.00	Do.
1	do	do	do	p. a. 180.00	Do.
2	Cooks'	do	12 hours	240.00	Do.
3	do	do	do	180.00	Do.
1	Nurse	do	Always on duty	p. a. 180.00	Do.
4	do	do	do	240.00	Do.
1	Teacher	do	7 hours	p. a. 300.00	Do.
1	Carpenter	do	9 hours	p. d. 3.00	Temp'ry roll
1	Extra overseer	do	18 hours	p. d. 2.00	Do.
1	Extra watchman	do	do	p. d. 1.25	Do.
1	Night watch	do	10 hours	p. d. 1.25	Do.
1	Tailor	do	do	p. d. 1.00	Do.
1	Gardener	do	do	p. d. 65	Do.
1	Herdsman	do	12 hours	p. d. 50	Do.
	REFORM SCHOOL.				
1	Superintendent	County	Always on duty	p. a. 1,500.00	Regular roll.
1	Assistant superintendent	do	do	p. a. 900.00	Do.
7	Teachers, Assistant teachers	do	14 hours	*35.00–55.00	Do.
1	Matron of school	do	Always on duty	p. a. 600.00	Do.
3	Matrons of families	do	10 hours	180.00	Do.
1	Superintendent of chair shop	do	do	p. a. 600.00	Do.
1	Farmer	do	do	p. a. 480.00	Do.
1	Engineer	do	12 hours	p. a. 396.00	Do.
1	Baker	do	10 hours	p. a. 300.00	Do.
1	Cook	do	15 hours	p. a. 300.00	Do.
1	Shoemaker	do	10 hours	p. a. 300.00	Do.
1	Tailor	do	9 hours	p. a. 300.00	Do.
2	Dining-room servants	do	12 hours	288.00	Do.
1	Seamstress	do	10 hours	p. a. 144.00	Do.
1	Chambermaid	do	do	p. a. 144.00	Do.
1	Laundress	do	do	p. a. 144.00	Do.
1	Florist	do	10 hours	p. a. 360.00	Do.
5	Watchmen	do	12 hours	1,140.00	Do.
1	Secretary and treasurer of board	do	Indefinite	p. a. 600.00	Do.
	INDUSTRIAL HOME SCHOOL.				
1	Superintendent	County	Always on duty	p. a. 1,000.00	Regular roll.
1	Cottage matron	do	10 hours	p. a. 300.00	Do.
1	Seamstress	do	8 hours	p. m. 20.00	Do.
1	Nurse	do	10 hours	p. m. 20.00	Do.
1	Housekeeper	do	12 hours	p. m. 25.00	Do.
1	Laundress	do	8 hours	p. m. 15.00	Do.
1	Cook	do	12 hours	p. m. 10.00	Do.
1	do	do	12 hours	p. m. 5.00	Do.
1	Housemaid	do	8 hours	p. m. 10.00	Do.
1	do	do	8 hours	p. m. 5.00	Do.
1	Carpenter	do	8½ hours	p. m. 50.00	Do.
1	Florist	do	8 hours	p. m. †30.33	Do.
1	Farmer	do	12 hours	p. m. 22.50	Do.
1	Fireman	do	12 hours	p. m. 5.00	Temp'ry roll.
1	Teacher	do	5 hours	p. d. 1.00	Do.

*Per month. † Average.

Statement showing classification, rate of payment, etc.—Continued.

No.	Classification.	Where employed.	Hours per day.	Compensation.	Remarks.
	ENGINEER DEPARTMENT.				
1	Chief clerk	City	7 hours	p.a. $1,900.00	Regular roll, Engineer Department.
1	Clerk	do	do	p.a. $1,600.00	Do.
1	do	do	do	p.a. 1,400.00	Do.
4	do	do	do	p.a. 1,200.00	Do.
1	do	do	do	p.a. 900.00	Do.
1	Computing engineer	do	do	p.a. 2,400.00	Do.
1	Inspector asphalt and cement	do	do	p.a. 2,400.00	Do.
3	Messengers	do	10 hours	p.a. 480.00	Do.
1	Superintendent of streets	do	8½ hours	p.a. 2,000.00	Do.
1	Superintendent of lamps	do	12 hours	p.a. 1,000.00	Do.
1	Superintendent of parking	do	10 hours	p.a. 1,200.00	Do.
1	Assistant superintendent of parking.	do	do	p.a. 700.00	Do.
1	Assistant engineer	do	9 hours	p.a. 1,600.00	Do.
2	do	do	do	p.a. 1,500.00	Do.
1	Draughtsman	do	7 hours	p.a. 1,200.00	Do.
1	Inspector	do	do	p.a. 1,200.00	Do.
2	do	do	10 hours	p.a. 1,200.00	Do.
3	Rodmen	do	9 hours	p.a. 780.00	Do.
3	Axmen	do	do	p.a. 650.00	Do.
1	Messenger clerk	do	7 hours	p.a. 600.00	Do.
2	Laborers	do	10 hours	p.a. 360.00	Do.
1	Inspector gas and meters	do	7 hours	p.a. 2,000.00	Do.
1	General inspector	do	12 hours	p.d. 7.00	Computing engineer.
15	Inspectors	do	10 hours	p.d. 4.00	Do.
1	do	do	7 hours	p.d. 4.00	Do.
1	do	do	10 hours	p.d. 3.50	Do.
3	Subinspectors	do	7 hours	p.d. 3.00	Do.
1	do	do	10 hours	p.d. 2.50	Do.
1	do	do	7 hours	p.d. 2.00	Do.
3	do	do	9 hours	p.d. 2.00	Do.
1	do	do	7 hours	p.d. 1.50	Do.
2	Drivers	do	10 hours	p.d. 1.50	Do.
1	Subinspector	do	7 hours	p.d. 1.75	Do.
1	Inspector repairs to concrete pavements.	do	10 hours	p.d. 5.00	Do.
1	Assistant engineer	County	9 hours	p.m. 150.00	Do.
2	Rodmen	do	do	p.m. 60.00	Do.
1	Axman	do	do	p.m. 45.00	Do.
1	Driver	do	10 hours	p.d. 1.50	Do.
137	Laborers	City	do	p.d. 1.50	Superintendent streets.
45	Carts	do	do	p.d. 2.00	Do.
27	Pavers	do	do	p.d. 3.25	Do.
13	Rammers	do	do	p.d. 1.75	Do.
1	Inspector	do	9 hours	p.d. 4.00	Do.
1	do	do	do	p.d. 3.00	Do.
1	do	do	do	p.d. 2.00	Do.
1	Bridge-keeper	do		p.m. 75.00	Do.
1	do	do		p.m. 55.00	Do.
1	Assistant bridge-keeper			p.d. 1.50	Do.
1	do			p.d. 1.25	Do.
1	Inspector	City	7 hours	p.d. 4.00	Superintendent roads.
6	Foremen	County	10 hours	p.d. 3.00	Do.
1	Laborer	City	do	p.d. 1.75	Do.
1	do	County	do	p.d. 1.50	Do.
115	do	do	do	p.d. 1.25	Do.
68	Carts	do	do	p.d. 1.75	Do.
18	Wagons	do	do	p.d. 3.50	Do.
1	do	do	do	p.d. 2.00	Do.
3	Masons	do	9 hours	p.d. 4.50	Do.
2	Carpenters	do	10 hours	p.d. 3.00	Do.
2	Pavers	do	do	p.d. 3.25	Do.
1	Mason	do	9 hours	p.d. 3.00	Do.
1	do	do	do	p.d. 2.50	Do.
1	Inspector	do	8½ hours	p.d. 4.80	Superintendent sewers.
1	do	do	do	p.d. 4.00	Do.
2	do	do	7 hours	p.d. 3.00	Do.
1	Subinspector	do	8½ hours	p.d. 2.50	Do.
3	do	do	do	p.d. 2.00	Do.
1	Time-keeper	do	7 hours	p.d. 1.75	Do.
6	Laborers	do	10 hours	p.d. 1.50	Do.
2	Sewer tappers	do	8 hours	p.d. 3.20	Do.
5	Inspectors	do	10 hours	p.d. 4.00	Do.

Statement showing classification, rate of payment, etc.—Continued.

No.	Classification.	Where employed.	Hours per day.	Compensation.	Remarks.
	ENGINEER DEPARTMENT—con'td.				
3	Foremen	County	10 hours	p. d. $4.00	Superintendent sewers.
3	do	do	do	p. d. 3.00	Do.
1	do	do	do	p. d. 2.00	Do.
2	Masons	do	do	p. d. 4.00	Do.
2	Pavers	do	do	p. d. 3.25	Do.
4	Pipe layers	do	do	p. d. 2.00	Do.
40	Laborers	do	do	p. d. 1.75	Do.
20	do	do	do	p. d. 1.50	Do.
1	do	do	do	p. d. 1.00	Do.
24	Carts	City	do	p. d. 2.00	Do.
3	Watchmen	do	12 hours	p. d. 1.50	Do.
2	Water boys	do	10 hours	p. d. .50	Do.
4	Foremen	City and county	do	p. d. 2.50	Do.
1	Paver	do	do	p. d. 1.75	Parking Commissioners.
1	Carpenter	do	do	p. d. 1.75	Do.
14	Laborers	do	do	p. d. 1.50	Do.
2	Laborers (youths)	do	do	p. d. 1.25	Do.
8	Carts	do	do	p. d. 2.00	Do.
1	Foreman	City	do	p. d. 3.00	Water Department.
1	Time-keeper	do	7 hours	p. d. 3.00	Do.
4	Engineers	do	12 hours	p. d. 3.00	Do.
1	Engineer (on duty only Sunday).	do	do	p. d. 3.00	Do.
1	Tapper	do	10 hours	p. d. 3.00	Do.
1	Assistant tapper	do	do	p. d. 2.00	Do.
1	Assistant foreman	do	do	p. d. 2.50	Do.
1	Blacksmith	do	do	p. d. 2.50	Do.
2	Plumbers	do	do	p. d. 2.50	Do.
1	Paver and bricklayer	do	do	p. d. {3.00 {4.00	Do.
1	Paver	do	do	p. d. 2.50	Do.
5	Firemen	do	8 hours	p. d. 2.00	Do.
1	Assistant machinist	do	10 hours	p. d. 2.00	Do.
10	Calkers	do	do	p. d. 2.00	Do.
32	Laborers	do	do	p. d. 1.50	Do.
1	Hostler	do	do	p. d. 1.50	Do.
1	Chief clerk	do	7 hours	p. a. 1,500.00	Do.
2	Clerks	do	do	p. a. 1,400.00	Do.
1	Superintendent	do	Indefinite; compelled sometimes to work day and night.	p. a. 1,600.00	Do.
1	Clerk	do	7 hours	p. a. 1,000.00	Do.
1	Draughtsman	do	do	p. a. 1,500.00	Do.
1	Inspector	do	do	p. d. 3.00	Do.
6	do	do	do	p. a. 900.00	Do.
1	Messenger	do	do	p. a. 600.00	Do.

List of persons employed in public schools, District of Columbia.

FIRST SIX DIVISIONS.

No.	Classification.	Where employed.	No. of hours.	Compensation per annum.
1	Superintendent	City	8	$2,700
1	Clerk to superintendent and secretary to board	...do	8	1,200
1	Messenger	...do	8	300
1	Principal Washington High School	...do	7	2,500
5	Supervising principals	...do	7	2,000
1	.....do	County	7	2,000
1	Director of music	City	6	1,600
1	Principal of Normal School	...do	6	1,500
6	Teachers	...do	6	1,500
2	.....do	...do	6	1,400
3	.....do	...do	6	1,300
8	.....do	...do	6	1,200
2	.....do	...do	6	1,100
13	.....do	...do	6	1,000
2	.....do	County	6	1,000
3	.....do	City	6	975
4	.....do	County	6	975
10	.....do	City	6	950
2	.....do	...do	6	900
3	.....do	...do	6	875
15	.....do	...do	6	850
3	.....do	County	6	850
38	.....do	City	6	825
6	.....do	...do	6	800
43	.....do	...do	6	775
7	.....do	County	6	775
15	.....do	City	6	750
1	.....do	...do	6	725
58	.....do	...do	6	700
7	.....do	County	6	700
4	.....do	City	6	675
45	.....do	...do	6	650
15	.....do	County	6	650
50	.....do	City	6	550
7	.....do	County	6	550
5	.....do	City	6	525
29	.....do	...do	6	500
5	.....do	County	6	500
7	.....do	City	6	475
2	.....do	County	6	475
20	.....do	City	6	450
7	.....do	County	6	450
27	.....do	City	6	425
4	.....do	County	6	425
36	.....do	City	6	400
6	.....do	County	6	400
1	Janitor	City	10	1,000
1	.....do	...do	10	1,400
1	.....do	...do	10	1,100
10	.....do	...do	10	900
1	.....do	...do	10	700
22	.....do	...do	10	500
1	.....do	County	10	500
1	.....do	City	10	250
3	.....do	County	10	250
5	.....do	City	10	165
8	.....do	County	10	165
1	.....do	City	10	p. m. 44
1	.....do	...do	4	p. m. 16
1	.....do	...do	4	p. m. 12
1	.....do	County	4	p. m. 12
1	.....do	City	4	p. m. 8
5	.....do	County	4	p. m. 8
2	.....do	City	4	p. m. 4
8	.....do	County	4	p. m. 4

List of persons employed in public schools, District of Columbia—Continued.

SEVENTH AND EIGHTH DIVISIONS.

No.	Classification.	Where employed.	No. of hours.	Compensation per annum.
1	Superintendent	City	8	$2,250
1	Clerk	do	8	800
1	Messenger	do	8	200
2	Supervising principals	do	7	2,000
1	Principal	do	6	1,800
1	do	do	6	1,500
1	do	do	6	1,200
1	Director of drawing	do	6	1,200
1	Teacher	do	6	1,200
8	Principals	do	6	1,100
1	Assistant principal	do	6	1,100
8	Principals	do	6	1,000
8	Teachers	do	6	1,000
2	Principals	do	6	975
1	Assistant principal	do	6	950
3	Teachers	do	6	950
1	do	do	6	900
3	Principals	do	6	875
4	Teachers	do	6	850
1	Principal	do	6	825
9	Teachers	do	6	825
1	do	do	7	800
1	Principal	do	6	775
10	Teachers	do	6	775
3	Principals	do	6	750
1	Teacher	do	7	700
18	do	do	6	700
24	do	do	6	650
28	do	do	6	550
5	do	do	6	500
17	do	do	3½	500
16	do	do	3½	475
13	do	do	3½	450
22	do	do	3½	425
1	do	do	6	400
15	do	do	3½	400
1	Janitor	do	9	1,100
2	do	do	9	900
2	do	do	9	800
2	do	do	9	700
10	do	do	9	500
1	do	do	9	250
1	do	do	9	165
1	do (rented)	do	9	p. m. 16
2	do (rented)	do	3	p. m. 8

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 177.

IN THE SENATE OF THE UNITED STATES.

JUNE 28, 1890.—Submitted by Mr. PLUMB, from the conference committee on House bill 3711, and ordered to be printed.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3711) "making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1891, and for other purposes," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from its amendments numbered 2, 8, 9, 10, 12, 13, 24, 38, 39, 47, 52, 56, 60, 64, 66, 68, 76, 77, 78, 79, 80, 81, 82, 89, 92, 97, 98, 101, 103, 113, 115, 116, 123, 124, 125, 128, 134, 135, 138, 149, 155, 156, 163, and 164.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 11, 15, 18, 20, 22, 27, 33, 35, 37, 43, 45, 46, 48, 49, 50, 51, 54, 55, 57, 58, 59, 67, 69, 70, 72, 73, 74, 75, 83, 84, 85, 93, 94, 95, 100, 102, 104, 105, 108, 110, 111, 112, 117, 118, 119, 120, 121, 127, 130, 131, 132, 133, 136, 137, 140, 141, 142, 143, 145, 147, 151, 152, 153, 154, 157, 159, 160, and 161, and agree to the same.

Amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *forty-three thousand and seventy-seven dollars*, and the Senate agree to the same.

Amendment numbered 5.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by said amendment, insert the following: *For contingent expenses of stables of the Engineer Department, including forage, livery of horses, shoeing, purchase and repair of vehicles, purchase and repair of harness, blankets, lap-robes, purchase of horses, whips, oil, brushes, combs, sponges, chamois-skins, buckets, halters, jacks, rubber boots and coats, medicines, and other necessary articles and expenses, six thousand dollars; and no expenditure on account of the Engineer Department for the items named in this paragraph shall be made from any other fund*, and the Senate agree to the same.

Amendment numbered 7.

That the House recede from its disagreement to the amendment of

the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by said amendment, insert the following: *To enable the assessor to prepare and complete, within the fiscal year eighteen hundred and ninety-one, a book showing all existing arrears of taxes on real property due the District of Columbia, including the payment of necessary clerical force, three thousand dollars,* and the Senate agree to the same.

Amendment numbered 14.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *two thousand dollars,* and the Senate agree to the same.

Amendment numbered 16.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the words proposed to be inserted by said amendment insert the following: *horse-hire,* and the Senate agree to the same.

Amendment numbered 17.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *eight hundred dollars,* and the Senate agree to the same.

Amendment numbered 19.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *two thousand nine hundred dollars,* and the Senate agree to the same.

Amendment numbered 21.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *one hundred and sixty-five thousand dollars,* and the Senate agree to the same.

Amendment numbered 23.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with amendments, as follows:

In lieu of the sum proposed insert *six hundred and fifty-two thousand two hundred dollars,* and insert after the word "Appendix" in line 20, page 9, of the bill the following: *and upon streets and avenues hereinafter named,* and the Senate agree to the same.

Amendment numbered 25.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert *two hundred and fifty-nine thousand dollars,* and the Senate agree to the same.

Amendment numbered 26.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *seventy-five thousand dollars*, and the Senate agree to the same.

Amendment numbered 28.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

Strike out all after the word "same" in said amendment and insert in lieu thereof *one hundred and thirty-six thousand seven hundred dollars*, and the Senate agree to the same.

Amendment numbered 29.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In line 5 of said amendment strike out the word "fifty" and insert in lieu thereof the word *twenty-five*, and the Senate agree to the same.

Amendment numbered 30.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *twenty thousand dollars*, and the Senate agree to the same.

Amendment numbered 31.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *one hundred and twenty thousand dollars*, and the Senate agree to the same.

Amendment numbered 32.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken out by said amendment, insert the following:

Surveys of the District: For completion of the surveys of the District of Columbia with reference to the extension of various avenues to the District line, seven thousand six hundred dollars, of which sum three thousand dollars, or so much thereof as may be necessary, shall be expended in establishing and permanently marking points of reference for the extension of streets and avenues throughout the District, and the Senate agree to the same.

Amendment numbered 34.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert *ten thousand dollars*, and the Senate agree to the same.

Amendment numbered 36.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *forty-five thousand dollars*, and the Senate agree to the same.

Amendment numbered 40.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

Strike out the amended paragraph, and the Senate agree to the same.

Amendments numbered 41 and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 41 and 42, and agree to the same with an amendment, as follows:

In lieu of the amended paragraph insert the following: *For grading and regulating Kenesaw and Wallach streets, seven thousand five hundred dollars*, and the Senate agree to the same.

Amendment numbered 44.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *ten thousand dollars*, and the Senate agree to the same.

Amendment numbered 53.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: *For grading and regulating Sherman Avenue, from Boundary to Princeton streets, five thousand dollars: Provided, That sufficient land be donated on both sides of the avenue to make its width ninety feet*, and the Senate agree to the same.

Amendments numbered 61 and 62.

That the House recede from its disagreement to the amendments of the Senate numbered 61 and 62, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *one hundred and seventy-eight thousand nine hundred and fifty dollars*, and the Senate agree to the same.

Amendment numbered 63.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: *And authority is hereby conferred upon the proprietors of Prospect Hill Cemetery to open North Capitol street extended through their grounds, to be approved by the Commissioners of the District, and to convey to the District of Columbia the land necessary therefor without compensation, and said proprietors are also authorized to sell all or any part of said cemetery grounds and invest the proceeds thereof in the purchase and improvement*

of suitable grounds for cemetery purposes elsewhere in the District, and the act entitled "An act to incorporate the proprietors of Prospect Hill Cemetery," approved June thirteenth, eighteen hundred and sixty, is amended accordingly, and the Senate agree to the same.

Amendment numbered 65.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken out and inserted by said amendment, insert the following: *and suburban streets, one hundred thousand dollars*, and the Senate agree to the same.

Amendment numbered 71.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *forty-six thousand dollars*, and the Senate agree to the same.

Amendment numbered 86.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

On page 17 in line 4 of the bill after the word "drawing" insert *physical training*, and the Senate agree to the same.

Amendment numbered 87.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *two thousand dollars*, and the Senate agree to the same.

Amendment numbered 88.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with amendments, as follows:

In lieu of the sum proposed insert *forty-four thousand eight hundred and twenty-six dollars*, and on page 18, in line 24 of the bill, after the word "rooms" insert the following: *including cooking-schools*, and the Senate agree to the same.

Amendment numbered 90.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *ten thousand dollars*, and the Senate agree to the same.

Amendment numbered 91.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the number proposed insert *four*, and the Senate agree to the same.

Amendment numbered 96.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *one hundred and fifty-five thousand dollars*, and the Senate agree to the same.

Amendment numbered 99.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

Strike out the matter proposed to be inserted by said Senate amendment, and the Senate agree to the same.

Amendment numbered 106.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

In lieu of the number proposed insert *two hundred*, and the Senate agree to the same.

Amendment numbered 107.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the number proposed insert *one hundred and sixty-five*, and the Senate agree to the same.

Amendment numbered 109.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *four hundred and fifty-four thousand two hundred and sixty dollars*, and the Senate agree to the same.

Amendment numbered 114.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *fifteen thousand three hundred and seventy-five dollars*, and the Senate agree to the same.

Amendment numbered 122.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the matter stricken out by said amendment, insert the following:

The President of the United States is hereby authorized to appoint a board consisting of three persons, one of whom shall be an army engineer, skilled in electrical matters, one a civil engineer of known skill and experience in municipal engineering, and one an expert electrician of high repute: Provided, That not more than one member shall be a resident of the District of Columbia; and no member shall be in the employ of any electrical company, or shall have any interest in the business or securities of such company, or be interested in any patent for any form of conduit or subway,

or device pertaining thereto. The said board shall consider the location, arrangement, and operation of electric wires in the District of Columbia, whether used, or to be used, for electric lighting, transmission of power, telegraphy, telephony, or signalling, with a view to securing, as soon as practicable, the construction of a safe and convenient system of conduits or subways, the placing therein of all necessary electric wires along the streets, avenues, and other public spaces, and the removal of all unused overhead wires and their supports. To this end the board will, as soon as practicable, and not later than December first, eighteen hundred and ninety-one, report to the President, who shall submit the same to the first session of the Fifty-second Congress, as follows:

First. Recommendations for a complete system of conduits or subways, with all suitable branches, connections, and appurtenances for the safe and efficient operation therein of the necessary cables and conductors; such recommendations shall be accompanied by maps, detailed drawings and estimates of cost.

Second. Opinion as to whether the conduits or subways should be built, owned, and operated by private corporations or individuals, subject to public control, or constructed and maintained by public authority and leased to companies or individuals. If the latter, recommendation will be made as to the terms and conditions upon which such leases should be executed.

Third. Also recommendations concerning the construction, location, operation, and maintenance of under-ground cables and conductors carrying currents of different intensities, with a view to promote the public safety, and to secure the most convenient and efficient use of such cables and conductors and the appliances connected therewith.

Fourth. Recommendations as to the restrictions, if any, which should be imposed by law upon the character and intensity of electric currents conveyed by conductors situated over or under the public streets, avenues, and spaces, and used for electric lighting, transmission of power, telegraphy, telephony, or signalling.

Fifth. Recommendations respecting the regulation of the arrangement and use of authorized overhead wires.

To meet the expenses of the said board there is hereby appropriated the sum of ten thousand dollars, or so much thereof as may be necessary: Provided, That the officer detailed from the Corps of Engineers shall not receive any salary except that due to his rank, and the Senate agree to the same.

Amendment numbered 126.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *one thousand eight hundred dollars*, and the Senate agree to the same.

Amendment numbered 129.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *sixteen thousand two hundred and eighteen dollars*, and the Senate agree to the same.

Amendment numbered 139.

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment, as follows:

Strike out all after the words "to be" in line 5 of said amendment

and insert in lieu thereof the following: *an addition to the present burial grounds of the Washington Asylum*, and the Senate agree to the same.

Amendment numbered 144.

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert *two thousand dollars*, and the Senate agree to the same.

Amendment numbered 146.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *six thousand five hundred dollars*, and the Senate agree to the same.

Amendment numbered 148.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *six thousand dollars*, and the Senate agree to the same.

Amendment numbered 150.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment, as follows:

In lieu of the amended paragraph insert the following:

For Association for Works of Mercy: For maintenance and repairs, two thousand dollars, and to complete purchase of lot, six thousand and forty-two dollars; in all, eight thousand and forty-two dollars, and the Senate agree to the same.

Amendment numbered 153.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by said amendment, insert the following:

That for the purpose of securing a more equitable and efficient expenditure of the several sums appropriated "for charities" there shall be appointed by the President, by and with the advice and consent of the Senate, as soon as may be after the passage of this act, some thoroughly experienced and otherwise suitable person, not a resident of the District of Columbia, to be designated superintendent of charities for the District of Columbia, whose duty it shall be to formulate for the purposes of the expenditures for charities in said District such a system or plan of organized charities for said District as will by means of consolidation, combination, or other direction, in his judgment, best secure the objects contemplated by the several institutions and associations for which such appropriations are made, and for the other charitable work of the District, with the least interference each with the other, or misapplication of effort or expenditure and without duplication of charitable work or expenditure; and all such appropriations shall be expended for the purposes indicated, under the general direction of said superintendent and

in conformity, as near as may be, with such system or plan, subject to the approval of the Board of Commissioners of the District of Columbia. And it shall also be the duty of said superintendent to examine into the character of the administration of said institutions and associations, and the condition, sufficiency, and needs of the buildings occupied for such charitable purposes, and also to ascertain in each case the amount contributed from private sources for support and construction, the number of paid employés, and the number of inmates received and benefited by the sums appropriated by Congress, and to recommend such changes and modifications therein as in his judgment will best secure economy, efficiency, and the highest attainable results in the administration of charities in the District of Columbia. And said superintendent shall from time to time report in detail to the Commissioners of the District, who shall communicate the same with their estimates for appropriations to the then next session of Congress, his doings hereun 'er, together with such estimates and recommendations for the future as in his judgment will best promote the charitable work of the District. Said superintendent shall be entitled to a compensation at the rate of three thousand dollars a year, which sum is hereby appropriated for this purpose for the fiscal year eighteen hundred and ninety one. And all estimates submitted hereunder shall be included in the regular annual Book of Estimates, and the Senate agree to the same.

Amendment numbered 162.

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amended paragraph insert the following: *Sixty-two thousand dollars, together with the unexpended balance of the appropriation for engineers and firemen, fuel, material for high service in Washington and Georgetown, pipe distribution to high and low service, including public hydrants, fire-plugs, material and labor, repairing and laying new mains, and lowering mains, for the fiscal year eighteen hundred and ninety, which unexpended balance is hereby re-appropriated,* and the Senate agree to the same.

Amendment numbered 165.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following:

SEC. 3. *That any street railroad company in the District of Columbia authorized to run cars drawn by horses, which has changed or may change its motive power on any of its lines now constructed to cable or electricity, or change its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock of said company to an amount necessary to cover the cost of making said changes, the cost of said changes and the amount of said stock sold, together with the price per share, to be fully set forth, under the oath of the president of said company, and filed with the Commissioners of the District. And any company availing itself of the privilege herein granted shall, within eighteen months, wholly dispense with horses as motive power on all portions of its line and substitute therefor the power provided for in the act making appropriations for the expenses of the government of the District of Columbia, approved March second, eighteen hundred and eighty-nine, or other modern motive*

authorize the use of overhead appliances: Provided, That if any such company operating a line or lines of street railroad from Georgetown, or West Washington, to and beyond the Capitol grounds shall fail to substitute for horse power the power herein provided for on all of its lines within two years from the date of this act, such company shall forfeit its corporate franchises, and the Senate agree to the same.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

LOUIS E. MCCOMAS,
D. B. HENDERSON,
J. C. CLEMENTS,
Managers on the part of the House.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 192.

IN THE SENATE OF THE UNITED STATES.

AUGUST 1, 1890.—Ordered to be printed.

Mr. BLAIR submitted the following

RESOLUTION:

Resolved, That the Committtee on Rules be instructed to report a rule within four days providing for the incorporation of the previous question or some method for limiting and closing debate in the parliamentary procedure of the Senate.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 193.

IN THE SENATE OF THE UNITED STATES.

JULY 25, 1890.—Presented by Mr. HARRIS and referred to the Committee on Commerce.

AUGUST 1, 1890.—Ordered to be printed.

MEMORIAL OF JOHN COWDON IN RELATION TO THE PROTECTION FROM OVERFLOW OF THAT PORTION OF WASHINGTON CITY LYING SOUTH OF PENNSYLVANIA AVENUE, AND OTHER PURPOSES.

To the Honorable Senate and House of Representatives:

Senate bill No. 3507 contemplates several greatly needed improvements in Washington City, to which I beg to call your attention.

First. The only practical way to stop the overflow of that portion of the city south of Pennsylvania avenue is to build an embankment, commencing at the intersection of B and Twenty-first street northwest, and on the line of B street east 1,700 feet to Virginia avenue, and on that line 300 feet to the end of the Seventeenth street sewer, crossing that and on the line of Seventeenth street south 1,000 feet; then in a southeast course on the new-made ground 1,600 feet to the foot of C street southwest; in all, a distance of 4,600 feet in length.

This embankment should be built fully 10 feet above the last flood-mark, and for every 1 foot in height it should have a base of 10 feet; it should be 50 feet wide on top, 30 feet of which for a drive, and two sidewalks, each 10 feet wide. Its sides should be sodded with Bermuda grass, and lines of shade-trees should be planted on each side of the drive.

To make this dike or embankment will require 500,000 cubic yards of earth, and if taken from the flats can be done for 25 cents per cubic yard, or at a cost of $125,000.

THE RESERVOIR.

At the southwest end of the Seventeenth street sewer there is a canal 3,000 feet long extending to the river. It is about 50 feet wide and some 6 feet deep. It is full of river water which comes within 18 inches of the top of the sewer, which is about 10 feet deep, and consequently backs up and forces stenches all over the city, and as those waters so charged with filth pass from the sewer into this sluggish open canal where those noxious gases accumulate by the heat of the sun or fester in the sewer and its various connections, are daily sending forth its deadly messengers to all portions of Washington City.

This is a bad piece of engineering, and if Pennsylvania avenue and adjacent lands be filled up as has been recommended by engineering authority, it would be a great hardship to the property owners, costing them many million dollars and making cellars out of all the first stories

of every building and at the same time give no relief whatever to the sewers, for they would be more obstructed than at present, and the filth would continue to ferment within them and fester in the sun and send forth in greatly increased quantities their poisonous and noxious gases, increasing the death rate every year.

But there is a remedy—simple, speedy, and not costly, as follows: That canal should be deepened to fully 15 feet below the bottom of the sewer, clear through to the river. It should then be converted into a covered reservoir 20 feet wide in the clear and 23 feet high. It should be built of the best concrete masonry, bottom, sides, and top. At the river end should be placed two sets of bailing machinery, one of which at ordinary times would keep the water down to, and within 2 feet of the bottom of the reservoir, so at all times to keep the present sewer free and stop all noxious gases from forming in the sewer, as at present.

During heavy rains both sets of the machinery could be operated so as to keep the sewer and all rain-water combined under control. The expense of keeping this machinery in repair and running the same would not exceed $3,000 a year, and the day it may be demonstrated a success it will be worth 50 per cent. to all real estate in Washington City. The cost of this reservoir and machinery will not exceed $1,000,000 or $1,125,000 for the whole, and I would undertake it at that price on the plan of "no cure no pay," when by the accustomed plans of the engineer it would cost ten times that amount and require fully five years' time, when I would do it in one year.

The above estimates are based on the filling of the flats to 10 feet above the last flood-mark and with the removal of the Long Bridge; for if that be not removed, and the flats be so filled, the future flood-line will be 20 feet above any previous flood-mark.

The following facts, taken from measurements made, will prove this:

Before the Long Bridge was built the water space between the east and west banks of the Potomac River at that place was 4,700 feet, where at present this space is only 1,700 feet and 100 feet of that is occupied by the bridge piers and one or two spaces are filled with piling, so that there is not actually 1,600 feet of clear water space.

Up to the the time of the last flood there was a water space of 700 feet wide on this side or the east channel, but that is now closed up, and with the same amount of rain-fall that produced the last and greatest flood, which came to the pavement at the National Hotel, will put the water 4 feet deep in that hotel.

This is not all that bad engineering has done to produce such destructive results to property in this city, for beyond the Long Bridge still greater mistakes have been made. The distance across the bottom is about 4,000 feet more. For about 3,300 feet of that space there is a solid embankment for the railroad track from 6 to 8 feet high, over which the last flood was fully 2 feet deep and washed this embankment entirely away in many places.

Instead of making water-gaps for the water to pass through they have rebuilt the embankment higher than ever before, and it is bound to aid in raising the flood-mark to or above what I have stated would be the result, and it does appear to me that if it be their object to overflow all South Washington and destroy the present wharf and steam-boat landing, they have adopted the very best plan to do it by stopping up the east channel and filling the flats under the bridge and the bottom beyond the bridge.

If South Washington and Pennsylvania avenue and for several blocks north of that avenue from Fourteenth to First street northwest are to

be freed from overflow the Long Bridge has got to go, and if Washington is to be made more healthy the sewer has got to be extended and freed from the back-water of the river, as I have stated. And this brings us to the consideration of the question of another bridge, which should be

THE NATIONAL MONUMENTAL BRIDGE.

This should be a single span of 3,000 feet in length, steel arch, fully 80 feet above the high-water mark of the Potomac River, and should be built on the line of New York avenue from the heights of the National Observatory grounds to the heights near the Arlington mansion at Fort Meyer.

The approaches at each end of the bridge would be about 1,000 feet long, where the distance of the approach at the east end on the Observatory Grounds to Seventeenth street northwest would be 3,200 feet, or 4,200 feet from the east end of the bridge to Seventeenth street, which would make an easy grade to the

GRAND UNION DEPOT,

which should be located west of Seventeenth street to the Potomac River, just below the location of the proposed bridge, where there is now 30 feet depth of water, and from New York avenue south to the overflowed grounds, bounded on the south by B street or the proposed embankment, an area of about 40 acres, mostly unimproved property, and at present not of great value, all of which the Government should buy, to be used for that purpose, where every railroad entering the city should connect From the east that connection should be made through

A GREAT TUNNEL.

Starting with a 6-foot cut at Seventeenth street, near E street, northwest, from the depot grounds; thence through the public grounds just north of the President's stables to Sixteenth street, crossing that and enter the White House Grounds about 50 feet south of the southwestern gate; thence into the southwestern face of the second mound, which would be the western end of the tunnel; thence in a northeast direction to Pennsylvania avenue, leaving the White House some 30 feet to the left, and the northwest corner of the Treasury Building as many feet to the right; thence up Pennsylvania avenue one square to Fifteenth street and New York avenue.

Thence on the north side of that avenue to near the junction with North Capitol street, and a few feet beyond to a bluff, some 20 feet high, which would be the eastern end of the tunnel; in all, about 10,000 feet long.

Thence across a low flat of several acres, unimproved, and not valuable ground, 700 feet to the Metropolitan branch of the Baltimore and Ohio Railroad, and from there 800 feet through the same low ground to the corner of O street and Delaware avenue.

Thence through an open field, with an average cut or tunnel 20 feet deep, 4,000 feet in a northeastern direction, to the other branch of the Baltimore and Ohio Railroad, some 3,000 feet north of where that road crosses the boundary line.

At a point farther north on that road, say 5 miles, the Baltimore and Potomac road crosses the Baltimore and Ohio road, which at small expense could be changed so as to run alongside of the Baltimore and

Ohio road to the proposed junction, where connections of both roads could be made with the tunnel approach.

From the proposed eastern tunnel approach to the public park between Seventh and Ninth streets would not be as far as it is to the Baltimore and Ohio depot; and as for the Baltimore and Potomac road, it could by this route reach the proposed union depot with fully 4 miles' less distance than does it reach its depot through South Washington and the public grounds at Sixth street.

Another great advantage to both these roads. They would not have to guard a single street crossing in the entire distance of over 4 miles from the eastern terminus to Arlington, as the crossing at O street and Delaware avenue, as well as the crossings at Seventeenth and Sixteenth streets and the east and west walks in the White House grounds, would all be bridged, as is the Baltimore and Potomac road bridged in the public park south of the Sixth street depot.

Furthermore, all streets entering the union depot grounds except from Seventeenth street should be closed.

Twenty-fourth street, near the Observatory Grounds, would be under the road-beds and should be left open, as it would lead around to the river just south of the bridge, as well as a side track from the depot to a large warehouse and wharf, which should and would be built there to take care of and ship large amounts of freight that would soon be brought there by the railroads and lines of steam vessels that would ply there from all commercial ports in the world, and in this way soon build Washington City up as a great commercial center as well as the naval ship-building port for the United States Government. For there we have, more convenient than at any other place in this country, the coal, the iron, and the best timber and in the greatest quantities. Near by we also have the best water-power in the world, which would run all manner of manufacturing establishments, and there is no good reason why Washington should not become one of the leading commercial ports and manufacturing marts in this country, all by the work proposed, and there is no good reason why it should not be done and every reason why it should be done.

A DEPOT 1,000 FEET LONG.

From near the eastern end of the main tunnel to Delaware avenue the distance is about 1,500 feet, where a depot 1,000 feet long should be built for the accommodation of all eastern Washington in the way of freight and passengers for all that portion of the city. While by a landing in the public park between Seventh and Ninth streets, similar to those used by the underground railroads in London, could the passengers for all central Washington be greatly accommodated, there connecting with north and south and east and west street-car lines.

In the same way can another passenger landing be made between Fourteenth and Fifteenth streets, which would bring passengers within four squares of the following named first-class hotels: The Ebbitt House, Willard's Hotel, the Randall House, the Riggs House, the Clarenden, the Normandie, the Hamilton House, the Portland, the Franklin, Welcker's Hotel, the Wormley House, the Chamberlin, the Fredonia, the Upham, the Shoreham, the Buckingham, the Arlington, the Arno, and the Richmond, and three or four more good hotels on the European plan, and as many first-class boarding houses, all within the same area, and at the same time there connecting with all the leading street car lines leading to any part of the city.

THE MAIN TUNNEL, 10,000 FEET LONG, AND ITS COST.

This will be 20 feet high and 25 feet wide in the clear; will require an excavation of about 220,000 cubic yards of earth, which should be used in filling the depot grounds, at 50 cents per cubic yard, would cost $110,000.

The arch, 10,000 feet long, would require about 660,000 cubic feet of arching; if of stone, would be about $1 per cubic foot, or say $660,000, or a total cost of say $770,000, but allowing for extra and contingent expenses, say $1,000,000, for the tunnel may have to go through solid rock, for the reason that it will be very deep in the ground to avoid sewer and other pipes.

THE EASTERN TUNNEL, 4,000 FEET LONG, AND ITS COST.

This would be the same size of the main tunnel and not quite half as long, would cost, say $500,000.

This tunnel would extend nearly one mile east and beyond the city limits, while on the western side the same protection against street crossings would extend to Arlington, a distance of 22,200 feet, or over 4 miles in length.

Such protection for life and property for that length of railroads entering and passing through the center of a great city, and also such accommodations for freight and passenger and future commercial development, can no where else be found, and will be worth to this city more than twenty times its cost in ten years time.

Then there would be a more substantial reason than ever before for a great boom in real estate in this city and for many miles around, and it is the only way Washington City can ever have a through line of roads without the changing of cars from east to west, as well as the proper bridge for a road leading to Mount Vernon, on which a line of cars will land passengers at Fifteenth street, near New York avenue.

Any other kind of a bridge or railroad connection would be a disgrace to the place, the occasion, and the age in which we live.

The National Government should build the bridge, make the tunnels, the depots, the passenger landings, all the tracks and side tracks complete, from one approach to the other, and then say to all the railroad companies entering this city "You may have the use of all this on the payment of a reasonable annual rent in money, or to be credited for every cubic yard of earth that you may haul with your cars from Maryland or Virginia, at a fair compensation, until you fill all the flats to 10 feet above the highest flood mark, and to be done within four year's time."

In this way, without any more appropriations, the flats would be filled, and would be worth more than twenty tim es the cost, and when done the Government should turn the depots, the tunnels, the tracks, etc., all complete, over to the city of Wash ington as a source of revenue which would greatly lessen the burden of taxation on the citizens.

THE BRIDGE AND ITS APPROACHES.

According to the best data I have, without going into a detailed estimate, the cost would be about $3,500,000. It would have two railroad tracks, two wagon or street-car tracks, and over these two ways for pedestrians each 10 feet wide, or one 20 feet wide, as may be preferred.

As regards strength we ha ve data showing that the same amount of

metal in an arch is more than two and a half times as strong as in suspension, and as a case in point as to the great strength this bridge will have, we take, for instance, the Brooklyn bridge.

THE BROOKLYN BRIDGE.

In that bridge, 1 foot in length of its 15-inch cables, made of steel wire, if solid, would weigh 598 pounds, when a steel tube 1 foot in length, 1 inch thick, and 5 feet in diameter, such as I would use in a 3,000-foot span bridge, will weigh 589 pounds, and making all due allowance for the wire cables not being solid, the weight of the two would be about equal, and in that way we will get at the following facts:

Each of the four cables of the Brooklyn Bridge has a tested strength of 12,200 tons, or 48,800 tons for the four cables.

When, according to these tests in the Brooklyn Bridge, in the four tubes each 5 feet in diameter in the arch bridge we will have a strength of 122,000 tons, but as we will necessarily have five tubes in the proposed bridge, or one-fifth more, we will have a total strength of 146,800 tons to hold up a bridge that may weigh 10,000 tons and its load added, when the four cables in the Brooklyn Bridge hold up its weight of, say, 5,000 tons and its load added. In the case of the Brooklyn Bridge they have a tested strength of about five for one, when in the case of the proposed bridge we will, according to three well-established tests, have a strength of about fourteen for one.

These are facts that can not be denied and show the great strength and value of the arch bridge over all other bridges, and is the only plan on which the National Monument bridge across the Potomac near this city should be built.

But as this is something new the engineering fraternity will no doubt oppose it, as they have always opposed any new improvement, and it would pay the Government to spend a few thousand dollars to make a test bridge on a small scale. It was in this way that the magnetic telegraph was developed for Morse—was opposed by all the so-called scientists and made fun of by many fools who happened to hold high places, as may be seen by reference to the records of Congress, and as recent developments show that, unfortunately for the country, we have a new crop of them, a test in this way should be made.

It is important for another reason, as nearly all the bridges that are now being built across rivers are dangerous to navigation, and at the same time greatly obstruct the free outflow of water, which causes greater and more frequent overflows. Now, this should be stopped, or else cease to make appropriations for the improvement of rivers and harbors; and for that purpose, if no other, the test should be made.

If the Government will do this, I will give the free use of the patent recently granted to me by the Government for the National Monument Bridge, and will let the Government have the entire patent for a moderate compensation, and that to be fixed by Congress after the value of the patent may be demonstrated by the building of one bridge on the plan, provided the patent be made free to the whole country, and that all the short span and pier bridges now across all navigable waters be taken down and bridges on this plan be put in their places, and that no other kind than the arch single span bridge be permitted to be built across such waters, so that the navigation may not be interfered with, nor the free outflow of the water be checked, which greatly aids in making more and greater overflows, as at present.

This bridge will also be of great use in spanning chasms in mountains, ravines, gullies, and creeks at much less cost than at present; then you will not hear of any more wash-outs every time a heavy rain falls and the great destruction to railroad property and loss of life, as at present.

The patent in this bridge consists in the way the arch tubes are formed and the manner in which the tubes are secured in the abutment.

I am willing to submit all of the above-named plans to a board of five civil and not military engineers, three of whom to be appointed by the President of the United States and two to be selected by myself.

As to the cost of the ground for the depots and the cost of the construction of the same I have no data, but will say it will not be greater than $500,000 for the ground and buildings for the eastern depot and grounds, when for the union depot building, say $500,000 and $1,000,000 for the grounds; the wharf, say $200,000; warehouse, $200,000; or in all $2,400,000.

The estimated cost of the—

Reservoir	$1,000,000
Bailing machinery, embankment	125,000
Main tunnel	1,000,000
Eastern tunnel	500,000
Bridge and approaches	3,500,000
Tracks and side tracks and other materials	400,000
Total	6,525,000

A total cost of $8,925,000 for a work that will be worth twenty times its cost when completed, and this can be done within two years' time if the money be appropriated at the start and I can find the engineers who will be competent to have the work completed within that time and at no greater cost than the above estimate.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 194.

IN THE SENATE OF THE UNITED STATES.

AUGUST 2, 1890.—Ordered to be printed.

Mr. MORGAN submitted the following

RESOLUTION:

Resolved, That during the continuance of the order for the meeting of the Senate at 10 a. m., the Senate will, until otherwise ordered, take a recess at 1 o'clock p. m., for thirty minutes.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 195.

IN THE SENATE OF THE UNITED STATES.

AUGUST 2, 1890.—Ordered to be printed.

Mr. PLUMB submitted the following

CONCURRENT RESOLUTION:

Resolved by the Senate, the House concurring, That Congress desires the removal of the remains of the illustrious soldier and statesman Ulysses S. Grant to, and their interment in, Arlington National Cemetery, and that the President be requested to convey to the widow of this eminent man such desire, tendering to her on behalf of the nation all necessary facilities for such removal and interment.

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51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 196.

IN THE SENATE OF THE UNITED STATES.

AUGUST 4, 1890.—Presented by Mr. SHERMAN and ordered to lie on the table and be printed.

PETITION OF THE WESTERN IRON ORE ASSOCIATION PRAYING AN APPROPRIATION TO COMPLETE WORKS ON THE SAULT STE MARIE CANAL.

CLEVELAND, OHIO, *August* 3, 1890.

To the Honorable Senate and House of Representatives,
Washington, D. C:

The Western Iron Ore Association, whose constituency in the States of Michigan, Wisconsin, and Minnesota annually send out on the waters of the Great Lakes one-half of the iron ore for the pig-iron productions of the United States, respectfully appeals to your honorable body for immediate relief under circumstances of great peril and disaster to these vast interests. This iron-ore movement, limited to seven months of the year, depends absolutely upon the uninterrupted use day and night of the single lock at Sault Ste. Marie; as sudden breakage of machinery has disabled that lock, all passage is suspended.

Several hundred vessels have already blockaded the channels above and below. What this means of loss and damage to vessels and their cargoes which come from the mines, the factories, and the farms of the country can not be computed for the two weeks ending July 26. The passages were an average of fifty-four per day; the tonnage moving during the same fourteen days was a daily average of 63,300 tons.

In the presence of so great a disaster, widespread and almost national in its industrial and financial relations, we appeal for immediate legislative interposition against its recurrence. Legislation now can not obviate the effects of this calamity, but it can defend these great interests from the continuing exposure to like or greater injuries. Real safety for this immense tonnage movement will not be secured until the new lock but just begun is completed.

Congress began this work in 1886. Its foundations are yet incomplete. The non-passage of the river and harbor bill of 1888 until August, by which a year's time was lost and no succeeding appropriation, explain the present condition of the works. These facts and circumstances have been repeatedly urged before the Senate Commerce Committee and the River and Harbor Committee of the House, and the necessity of immediate action by Congress has been admitted.

Responding fully to the urgency of the case, the Senate passed a bill in January last appropriating $3,738,865 for the lock and canal, and $16,841,115 for its supplementary work, the Hay Lake Channel. This bill was also favorably reported by the River and Harbor Committee, but final action has been delayed month after month.

Under the circumstances a present disaster of such alarming proportions, and which may be repeated to-morrow, we most urgently appeal for all the aid in the premises that legislation can give. The engineers in charge of those great works are able and competent, but appropriations for completion should be given them at once, through the Senate bill above referred to.

GEORGE H. ELY,
FAYETTE BROWN,
SAM'L L. MATHER,
H. P. LILLEBRIDGE,
JAS. THICKANDS,
M. A. HANNA,
E. W. OGLEBAY,
WM. D. REESE,
Executive Committee.

51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 197.

IN THE SENATE OF THE UNITED STATES.

AUGUST 5, 1890.—Presented by Mr. HALE, referred to the Committee on the Census, and ordered to be printed.

Memorial to Congress and statement of the National Electric Light Association, favoring the authorization of a special census investigation and report on electrical industry, and an appropriation of $50,000 to provide for the same. Presented for the association by its president, Marsden J. Perry, of Providence, R. I.

MEMORIAL TO CONGRESS AND STATEMENT.

(1) The National Electric Light Association consists of corporations, firms, and individuals engaged in the manufacture of electrical apparatus and supplies, and the construction, equipment, and operation of central stations for the services of electric lighting and the transmission of electric power. It is estimated that there is upwards of $300,000,000 employed in this section of the electrical industry.

(2) The present executive committee of the association is as follows:

EXECUTIVE COMMITTEE.

1. MARSDEN J. PERRY, of Providence, R. I., president of the association.
2. E. A. MAHER, of Albany, N. Y., first vice-president of the association.
3. C. L. EDGAR, of Boston, Mass., second vice-president of the association.
4. C. R. HUNTLEY, of Buffalo, N. Y., chairman of the executive committee.
5. ALLEN R. FOOTE, of Washington, D. C., secretary and treasurer of the association
6. A. F. MASON, of Boston, Mass., member of committee.
7. M. J. FRANCISCO, of Rutland, Vt., member of committee.
8. JAMES ENGLISH, of New Haven, Conn., member of committee.
9. JOHN SEELY, of New York City, member of committee.
10. H. K. THURBER, of New York City, member of committee.
11. J. J. BURLEIGH, of Camden, N. J., member of committee.
12. C. H. WILMERDING, of Chicago, Ill., member of committee.
13. E. R. WEEKS, of Kansas City, Mo., member of committee.

(3) At its eleventh convention, held in Kansas City, Mo., February 11, 12, and 13, 1890, the association adopted without a dissenting voice, the following:

PREAMBLE AND RESOLUTIONS.

Whereas the Superintendent of the United States Census has appointed a special agent for the investigation of manufactures of electrical apparatus and supplies and their uses; and

Whereas this is the first official investigation that has ever been made of this subject in this or any other country; and

Whereas it is the opinion of this association that such an investigation will be of the very highest value as a means of furnishing the public with information that it can accept as being reliable, impartial, and authorative, and for that reason will be of great value to those interested in the electrical industry; and

Whereas this association, in behalf of the electricali ndustry of the United States, desires this investigation to be thorough and complete in every detail, and is aware that such an investigation could not have been fully authorized and provided for, on account of the newness of the industry, when the law providing for the Census of 1890 was enacted:

Be it resolved, by the National Electric Light Association in convention assembled: First. That it respectfully petitions the Senate and House of Representatives of the United States Congress to authorize and direct the Superintendent of Census to collect the following data in relation to the electrical industry, in addition to thegeneral statistics of manufactures already provided for by law.

(*a*) Details pertaining to underground and aerial construction, underground and aerial currents, the character and voltage of all currents and their uses. Lamps in use, arc and incandescent, and how wired for residence, commercial, and municipal service; motors in use for stationary service and motor cars, income and expenses, etc.

(*b*) An inquiry, through sources independent of those interested in the industry, as to the casualties resulting from the use of electric currents, both as to fire and to personal injuries. This investigation to be made in all cities of 10,000 population and over. The information to be obtained from underwriters, the records of the fire departments, coroners' statistics, health boards or commissioners, or from whatever source of information that may exist in any city. The investigation to make a comparative statement between the casualties resulting from the use of electric currents and the use of other agents employed for similar purposes.

Second. That we hereby petition that an appropriation of not exceeding $50,000 be made for the purpose of this investigation.

Third. That the National Electric Light Association hereby tenders its thanks to the Hon. Robert P. Porter, Superintendent of Census, for the recognition he has given to the importance of, and wonderful progress made by, the electrical industry, in the appointment of a special agent for its investigation, and we hereby pledge our cordial co operation with the Census Office in its efforts to make the investigation thorough, reliable, and complete in every detail.

Fourth. That a copy of this preamble and resolutions be properly engrossed, officially signed by the president and secretary of the association, and transmitted to the chairman of the Committee on Census, of the Senate and of the House of Representatives, and to the Hon. Robert P. Porter, Superintendent of Census.

(4) The "Act to provide for taking the Eleventh and subsequent Censuses, approved March 1, 1889," is modeled on the "Act to provide for taking the Tenth and subsequent Censuses, approved March 3, 1879."

This act provides that:

Whenever he shall deem it expedient, the Superintendent of the Census may withhold the schedules for manufacturing, mining, and social statistics from the enumerators of the several subdivisions and may charge the collection of these statistics upon experts and special agents, to be employed without respect to locality. And said Superintendent may employ experts as special agents to investigate and ascertain the statistics of the manufacturing, railroad, fishing, mining, cattle, and other industries of the country, and of the telegraph, express, transportation, and insurance companies as he may designate and require.

And the Superintendent of Census shall, with the approval of the Secretary of the Interior, prepare schedules containing such interrogatories as shall, in his judgment, be adapted to elicit this information, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end. Such experts and special agents shall take the same oath as the several enumerators of the several subdivisions, and shall have equal authority with such enumerators in respect to the subjects committed to them, and they shall receive compensation at rates to be fixed by the Superintendent of Census with the approval of the Secretary of the Interior: *Provided*, That the same shall in no case exceed six dollars per day and actual necessary traveling expenses.

(5) Under authority of this act, the Secretary of the Interior, upon the recommendation of the Superintendent of Census, has commissioned a special agent for the investigation of the "manufactures of electrical apparatus and supplies and their uses" thus grouping into one section, under the supervision of the division of manufactures, a vast field of investigation known as the electrical industry that has never before been investigated and reported upon by the Government of this or any other country.

(6) In volume IV of the Report of the Tenth Census, there are three chapters on telegraphs and telephones in the United States, and postal telegraphs in Europe. These chapters include all there is in the nature of a report on electricity or its uses. Since the Tenth Census, the improvements made in the art of telegraphing and telephoning are very marked, and while the art of practically applying elecrticity to the uses of light and power was a new creation when the Tenth Census was taken there are now employed hundreds of thousands of persons, and hundreds of millions of capital in commercial enterprises for the purpose of supplying electric light and power. This fact makes it evident that Congress, when the act authorizing and providing for the Eleventh Census was adopted and approved, could not have contemplated the requirements for a complete and accurate investigation of the electrical industry and furnishes the reason why a special investigation of that industry should now be authorized and provided for.

(7) That the importance of such an investigation may be clearly understood, attention is called to the different sections of the industry, each of which has an importance peculiar to itself.

SECTIONS OF THE ELECTRICAL INDUSTRY.

1. Arc lighting by continuous currents: Dynamos, regulation and systems of distribution.
2. Arc lighting by alternating currents: Dynamos, regulation and systems of distribution.
3. Incandescent lighting by continuous currents: Dynamos, regulation and systems of distribution.
4. Incandescent lighting by alternating currents: Dynamos, regulation and systems of distribution.
5. Arc lamps. (Including search-lights.)
6. Incandescent lamps.
7. The transmission of power for stationary work: Dynamos, regulation, systems of distribution, and motors.
8. The transmission of power for locomotive work: Dynamos, regulation, systems of distribution, and motors.
9. Primary cells.
10. Accumulator cells.
11. Insulated electric conductors.
12. Conduits of all kinds for electric conductors.
13. The production and uses of carbon for electrical purposes.
14. Devices for the automatic control of electric currents, and for the protection of life and property.
15. Electric meters for the commercial measurement of electric currents.
16. Scientific electric instruments.
17. The uses of electricity in the household for lighting, power, transmission of messages, regulation of ventilation, burglar alarms, annunciators, etc.
18. Casualties resulting from the use of electric currents, loss of life and property in comparison with such losses resulting from other agents used for similar purposes. Data to be collected from sources of information independent of those in interest.
19. The uses of electricity in public institutions, such as places for public assemblies, hospitals, asylums, etc.
20. The economic results of municipal ownership of electric-lighting plants.
21. Electric welding.
22. Electro-metallurgy. Electro plating.
23. The uses of electricity in mining.
24. The uses of electricity in medicine and surgery.
25. The uses of electricity by the U. S. War Department.
26. The uses of electricity by the U. S. Navy Department.
27. The uses of electricity for scientific purposes by the United States Departments.
28. The uses of electricity in the public buildings of the United States and the several States.
29. Electric tabulating machines used by the Census Office for the Eleventh Census, and electric recording, tabulating, and matrix machines for various uses.

30. Municipal and isolated systems of electric fire-alarms, and for police, ambulance, and district messenger and similar services.
31. Electric time and watchman's clocks and systems of distribution.
32. The uses of electricity in the operation of steam railroads, including the telegraph, telephone, train, depot, yard, and shop lighting, and the use of electric motors.
33. The use of electricity in the operation and lighting of steam-ships.
34. Practical progress in telegraphing, including improvements in instruments and switch-boards.
35. Practical progress in telephoning, including improvements in instruments and exchange apparatus.
36. Practical progress in ocean telegraphing, including improvements in instruments and cables.
37. The effect of the use of electricity on the cost of fire insurance. The work accomplished by the New England Electric Exchange.
38. A review of the records of the Patent Office, pertaining to electrical patents from 1880 to 1890.
39. Electrical instruction in educational institutions.
40. Electrical publications.
41. Electric clubs, societies, and associations.

(7) By means of the Census Reports, it is the purpose of the Government to establish the rightful rank of the United States among the nations of the world, in points of population, wealth, education, and general progress in the industries, arts, and sciences. The development of the older nations is the resultant of the accumulations of centuries. The development of the United States is the resultant of the genius, enterprise, and intelligence of its people. While we yield respect to the Old World, or its histories, in the practical sphere of commerce, we daily demand and receive tribute from all nations for the genius of our inventors and the skill of our artisans. It is our duty to lay claim to all honors to which American inventors and artisans are clearly entitled for their genius of invention or skill of adaptation. This should be done by concise and circumstantial historical statements in the first official report ever published by any nation on the electrical industry. The proud pre-eminence of this country in these respects is most marked. There is not a nation in the world that is making use of the many practical applications of electricity without using the creations of American inventions or the products of American factories.

(8) How much reason there is for such claims and the broad field they cover will be readily understood when it is known that of the 205,479 patents issued by the United States Patent Office for the ten years ending December 31, 1889, 12,591 pertain to apparatus for some practical application of electricity. The profits of the Patent Office for those ten years has been $2,210,863.76, averaging nearly $10.76 per patent issued. Upon this basis, inventors working in the field of the electrical industry, have paid to the Government a profit of $135,473.62; therefore, in requesting that the Government shall authorize and provide for an exhaustive investigation of, and report upon, the electrical industry, they are only asking a fitting recognition from their beneficiary.

(9) It is believed that upwards of two hundred establishments are to-day engaged in the manufacture of electrical apparatus and supplies. The aggregate number of persons employed, the amount of material consumed, and the total capital engaged, are sufficient to rank this industry second to none other in importance. This is especially true when it is considered that about 80 per cent. of this industry has been brought into existence since 1880, and is engaged in the production of apparatus of a kind and for a purpose never before known in the history of the world. The single item of copper consumed annually

by this industry is estimated at 50,000,000 pounds. The producers of copper are protected by a duty of 4 cents per pound. At this rate the tariff tax upon this industry for but one item amounts to $2,000,000 annually. In view of this it is clear that, from the stand-point of the manufacturers and their army of employés, the investigation sought and the appropriation therefor is not a request as for a favor to be done, but for the recognition of the Government's most liberal supporters.

(10) The magnitude and unquestioned importance of the services being rendered by electricity is made quickly apparent by the shortest possible mention of the principal features of its work. Since the tenth census the capacity of telegraph lines has been doubled and quadrupled by improvements in instruments. The wonderful feat of telegraphing to and from moving trains has been brought into practical use. The power of holding a conversation between persons in distant cities has been acquired. Electric nerves may now terminate in every office and residence, making communication with any center of population in the world possible and easy. The outburst of every fire, the ambulance call for every accident, the secret information to the police of every crime, is instantly announced. All these features of improvements are fast rendering the conditions of urban life radically different from what they were a few years ago. New conditions are created, hitherto unknown to commercial and social life. To investigate and make an exhaustive, impartial, and truthful report regarding these improvements is a duty the Government owes to itself, for upon such information only can its action and that of the several States and the municipalities be intelligently based regarding questions of the first importance.

(11) In the department of mechanical illumination the gas industry, over fifty years old, can show but 1,043 central plants. There are to-day upwards of 1,500 electric central stations furnishing a light that was wholly unknown to commerce ten years ago.

(12) Street cars drawn by horses were first operated fifty-eight years ago. The system now includes about 5,902 miles of track, operating 18,000 cars, and carrying 3,600,000 passengers daily. The first electric road went into use only five years ago. There are now upwards of 1,753 miles of track, operating 3,000 cars, carrying 1,200,000 passengers daily.

(13) But three or four years ago the only method by which a working man could cause mechanical power to serve him in his efforts to maintain the independence of the self-employed was to own a steam or water plant, the cost of which, together with its necessary attendant conditions, was prohibitory. He was thus condemned to spend his life as a wage-earner. To-day, at a monthly cost of about $10 per horse-power, clear of all collateral expense, he can obtain electric power delivered into his own home if he desires. For this small outlay, which every mechanic can easily make, there is placed at his command by the systems for the electrical transmission of power for stationary work physical power eight times that of his own strength, and he is able to use this vast and tireless power without effort for its production on his part. This not only largely increases his earning capacity, it opens the door to independent self-employment, the key to which is the ability to make mechanical power his servant.

(14) Going back less than five years we find women thankful for the opportunity to tread out their lives at the machine, because thereby they found a means of honorable self-support. To-day, the tireless energy of electricity emancipates the woman from all physical effort to create power to operate her machine, at the same time increasing her

earning capacity and enhancing enormously the ease and comfort with which her work may be done. This relief from the necessity of physical labor for men and women is accompanied by other conditions for the betterment of health and comfort that are moral and social factors of no less importance than the industrial and commercial. It allows the physical vitality formerly exhausted by the drudgery of treading out mechanical power to supply greater strength to the brain, nerves, and muscle, thus making a degree of intelligence—the soul of skill—easily attainable that has heretofore been unknown. An interest such as this is worthy of the fullest recognition that can be given to it, not alone for its magnitude and the support the Government draws from it in a hundred ways, but for the sublime genius and enterprise that has induced, within one decade, an industrial and commercial development unknown to the centuries of the past.

(15) In addition to these universally known and as yet but little understood uses of electricity, there are other fields in which its employment is no less successful or important, of which there is little or no common information. Reference may be here made to the automatic devices by which electricity is used to control and render safe the use of electric currents of high force. The process of electric welding, one of the most valuable inventions of the age, electro-metallurgy, and the uses of electricity in mining, not only rendering mining operations more safe and easy but opening many mines of precious metal hitherto unworkable, and operating them with great advantage. The uses of electricity in medicine and surgery is worthy of a most careful report. Systems for the keeping and transmission of time by electric clocks, and watchmen's clocks and signals have great industrial and social value. Electric tabulating machines and registers should have a special notice. They are to-day making the work of the Census Office less expensive, more accurate, and infinitely more expeditious than it has ever been in the past. The uses of electricity by the different Government Departments, the history of electrical patents, the facilities of educational institutions for giving courses of technical training in electrical science, the means for the improvement of employés and all others engaged in the industry afforded by electrical publications, clubs, and societies, all deserve the recognition due to the factors by the intelligent use of which American civilization is able to lead the progress of the world.

(16) Infinitely greater and more to be considered than the interests of those directly identified with the electrical industry are the interests of the people. An American citizen has a right to the use, in its best practical form, of every discovery of science and product of the artisan that can render the labor of life more easy, health more perfect, and the pursuit of happiness more certain.

If by reason of the want of sufficient or proper information he fails to appreciate and utilize or is deterred from using, or again if, through the operation of such causes, his representatives in municipal council, State legislatures, or National Congress shall impose unnecessary conditions upon the service, causing it to be less safe or more expensive than it should be, to the degree in which these detrimental causes operate they compel him to suffer an abridgment of his rights. Such a loss, inflicted upon the urban population of the United States, is a tax a thousand times greater than that required to secure in official form all the information now obtainable to serve as a guide to correct action.

(17) The importance of these considerations can not be fully shown *without* calling attention to the urgent and wide-spread demand for the

information indicated. The municipal council of every city, the legislature of every State, the National Congress itself, and governments of foreign countries, have all been persistently searching for it. This is conclusive evidence that it has never been collated and will be of the highest value when produced. Every city, every State, and the National Government is now spending money, in the aggregate an untold amount, in isolated efforts to obtain proper data upon which to base legislative action on questions of vital importance to the welfare of the people.

Information obtained by the methods that have been followed must at best be incomplete and partial. The Census Office can in no way furnish a better demonstration of the incomparable value of its work than by obtaining and supplying the data as desired and indicated. The cost of doing this will not equal the cost of a single day's time of the legislative bodies throughout the country that require it for their use. Statements that electricity has caused the destruction of a certain amount of property by fire, has killed a certain number of people, or that the service rendered by it cost a certain amount of money, are absolutely valueless as guides to legislative action, unless they be made in comparison with the results of the use of other agents for the same purpose. The reasons given for making a special investigation of the electrical industry are reasons why the inquiry should be conducted with the greatest possible care, so that every point of comparison may be easily made, and all action based upon data officially published, may ultimate in sound economic and social results.

(18) The census report should present such a statement of the inception, practical progress, and present condition of the art of applying electricity to its many uses as shall for a long time be an accepted authority in all industrial, commercial, legislative, and social discussions involving questions pertaining to this subject. It should make such an exhibit of the genius, enterprise, skill, and ability to adopt new conditions possessed by the people of this country as shall successfully challenge all other countries and all history to show anything comparable with the developments of the electrical industry in the United States within the limits of a single decade. It should show by this evidence that the United States is the natural home of this industry, and so fix the fame of American apparatus as to enable American manufacturers to command the trade of the world. In doing this, it will necessarily explain the natural laws governing electricity for these uses. When such knowledge becomes a matter of common information, legislators and communities will understand that if they desire to enjoy the benefits of, they must provide suitable conditions under which, electrical service can be rendered safely and economically.

(19) All that is required to accomplish this desirable object is to have every detail truthfully described in untechnical language by a writer of unquestioned ability, to speak authoritatively upon the subject he undertakes. That this may be done, the subject must be divided into sections in a way to give equal prominence to every detail, and the Superintendent of Census, with the approval of the Secretary of the Interior, should authorize the special agent for the investigation of this industry, to associate with himself as expert, the ablest person, whose services can be secured, to write the statement for each and every section. By so doing the value of each part will be enhanced by the unquestioned value of the whole, and a work will be produced that will be a credit to the nation and a lasting benefit to its people.

(20) The discovery of new worlds does not consist alone in searching out lands unoccupied by modern civilization. Such new worlds are the visible expression of nature. As the most powerful magnifying glass increases the ability of the eye to see the minute, or of the most powerful telescope to search out the depths of space, so do discoveries that teach man the art of controlling unseen natural forces and causing them to serve his will enlarge his sphere of action and open new worlds to his occupation. He who discovers land finds that which is limited in area, an atom in space. He who discovers the art of controlling an invisible natural force and harnessing it to the service of man by correctly interpreting the natural laws governing the agent through which it acts removes a limit on intelligence, and enables the finite to comprehend and co-operate with the infinite.

By the discoveries made and being made of the natural laws controlling electricity the humblest citizen of to-day may exercise powers transcending any ascribed to the gods of other ages. As his messenger, it outstrips the flight of the world on its course; as his illuminant, it produces a myriad of miniature suns, and flashes their light over the area of an entire city instantly, by the simple movement of a single lever; as his agent of power, it is ever present awaiting his touch to set in tireless motion any machinery he may harness to its service. He lives in a new world of intelligence, light, and power.

We honor the great men of the past. It is our duty to ourselves so to write the records of what men are doing now that those who come after us shall know that greater men lived in our day and generation.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 198.

IN THE SENATE OF THE UNITED STATES.

AUGUST 7, 1890.—Presented by Mr. EDMUNDS and ordered to be printed.

LETTER OF THE ACTING COMMISSIONER OF LABOR, TRANSMITTING AN ANALYSIS OF COSTS OF ONE TON OF STEEL RAILS MADE IN THE UNITED STATES, ETC.

DEPARTMENT OF LABOR,
Washington, D. C., August 6, 1890.

SIR: Your letter of the date of August 2, in which you ask for the amount paid for direct labor in the several processes of converting the natural elements, ore, limestone, coal and coke, into pig-iron, into steel ingots, and eventually into one ton of steel rails, has been received.

In response, I have the honor to inclose a statement exhibiting the expenditure for direct labor through the successive stages of manufacture, meaning by this term the amount paid at each stage for wages of employés engaged in production. This amount you will see is $11.59 out of a total cost of $25.77 for a ton of steel rails. The result does not agree exactly with the total cost of a ton of rails for any one of the establishments shown in the recent preliminary report by this Department on cost of production. To have such absolute agreement, it would be necessary, of course, starting with the rail mill to find where they bought their ingots, and at the ingot works to find where they bought their pig-iron, thus following back to the original sources the particular materials used, and obtaining the cost at each step.

Not being able to do this the table has been worked out by using averages based on six establishments in the northern district of the United States, producing material suitable for rails, as exhibited in the preliminary report. The result would not differ materially if any other six were used. One fact which slightly interferes with the best results is that the cost of ore, limestone, coal, and coke, as they have been obtained at the establishments producing them, differ somewhat from the costs for them as reported by the blast furnaces using them. This difference, of course, is wholly consonant with the correctness of each, as it is probably due to the profit which the producer adds when he sells to the furnace, or to exceptional low or high cost of transportation from the place of production to that of use.

Deducting from the cost of the ton, $25.77, the amount paid for direct labor, $11.59, there remains $14.18, which is distributed through various items of cost, such as officials and clerks, supplies and repairs, taxes, etc. By the final paragraph of your letter I judge you would like to know the cost of labor that enters into each of these. At the present time this office does not have the necessary data for resolving and tracing to a last analysis the elements which combine to form these costs.

It is hoped by Commissioner Wright that in the full report on cost of production, which will be transmitted to Congress at the beginning of the next session, some interesting details connected with this subject may be presented. Theoretically, of course, they should all resolve into labor and interest on capital, or labor really, but the practical working out of the problem is not easy.

Very respectfully,

OREN W. WEAVER,
Acting Commissioner.

Hon. GEORGE F. EDMUNDS,
United States Senate.

Analysis of costs in one ton of steel rails made in the United States.

Materials and successive stages of conversion.	Expenditures for direct labor.	OTHER EXPENDITURES.								Total.
		Officials and clerks.	Supplies and repairs.	Taxes.	Transportation to point where used.	Timber.	Cinder and scrap.	Scrap and ferromanganese(net).	Difference between foregoing actual costs and costs as charged by blast furnace—presumably profit to producers.	
For production of 4,137 pounds of iron ore	$2.1423	$0.1241	$0.8066	$0.0808	$4.8932	.....	.....	$2.9256	.....	$10.9726
For production of 1,497 pounds of limestone	.2051	.0184	.0254	.0012	.3183	.....	.....	.0360	.....	.6044
For production of 4,808 pounds of bituminous coal	1.9728	.0681	.1498	.0134	.....	$0.0415	.....	.....	.....	2.2451
For conversion of above coal into 3,082 pounds of coke	.5983	.0756	.0734	.0089	.7384	.....	.....	.....	.....	1.4936
For conversion of above ore, limestone, and coke into 2,469 pounds of pig-iron	1.5763	.1342	.7183	.0536	.....	.....	$0.0935	.....	.....	2.5759
For conversion of above pig-iron into 2,488 pounds of steel ingots	1.6894	.1199	.5028	.0111	.....	.....	.....	.....	$0.8397	3.1629
For fuel (1.11 tons bituminous coal) for conversion of above pig-iron into 2,488 pounds of steel ingots	.9124	.0315	.0690	.0062	.....	.0192	.....	.....	.....	1.0383
For conversion of above steel ingots into 1 ton (2,240 pounds) of steel rails	1.5400	(a)	1.0000	.0500	.....	.....	.....	.....	.....	2.5900
For fuel (1.17 tons bituminous coal) for conversion of above steel ingots into 1 ton (2,240 pounds) of steel rails	.9617	.0332	.0727	.0065	.....	.0202	.....	.....	.....	1.0943
Total	11.5983	.6050	3.4165	.2317	5.9499	.0809	.0935	2.9616	.8397	25.7771

a Not reported.

Statement showing the proportion of increase of cost attributable to direct labor in the production of one ton of steel rails.

Total cost of ore, limestone, coke [coal included], and cinder for 2,469 pounds of pig-iron	$15.3157
Cost of direct labor in production of ore, limestone, coke [coal included], and cinder for 2,469 pounds of pig-iron	$4.9185
Per cent. of cost of direct labor in the production of ore, limestone, coke [coal included], and cinder for 2,469 pounds of pig-iron	32
Total cost of converting the above materials into 2,469 pounds of pig-iron	$2.5759
Cost of direct labor in converting the above materials into 2,469 pounds of pig-iron	$1.5763
Per cent. of cost of direct labor in converting the above materials into 2,469 pounds of pig-iron	61
Total cost of converting the above pig-iron into 2,488 pounds of steel ingots	$4.2012
Cost of direct labor in converting the above pig-iron into 2,488 pounds of steel ingots	$2.6018
Per cent. of cost of direct labor in converting the above pig-iron into 2,488 pounds of steel ingots	62
Total cost of converting the above steel ingots into 1 ton (2,240 pounds) of steel rails	$3.6843
Cost of direct labor in converting the above steel ingots into 1 ton (2,240 pounds) of steel rails	$2.5017
Per cent. of cost of direct labor in converting the above steel ingots into 1 ton (2,240 pounds) of steel rails	68
Total cost of the above ore, limestone, coke [coal included], and cinder, and of converting them into one ton (2,240 pounds) of steel rails	$25.7771
Cost of direct labor in the production of ore, limestone, coke [coal included], and cinder, and of converting them into one ton (2,240 pounds) of steel rails	11.5983
Per cent. of cost of direct labor in the production of ore, limestone, coke [coal included], and cinder and of converting them into one ton (2,240 pounds) of steel rails	45

DEPARTMENT OF LABOR,
Washington, D. C., August 7, 1890.

SIR: I notice this morning a clerical error in the statement which I sent you yesterday analyzing the costs in a ton of steel rails.

The fifth line of the first column, which read in the statement I sent you "For conversion of the above ore, limestone, and coke into 2,469 pounds of pig-iron," should read "For conversion of the above ore, limestone and coke into 2649 pounds of pig-iron."

The same change should be made in each of the first six lines relating to quantity of pig-iron in the statement on the lower half of the page.

Regretting that such an error should have escaped my attention, I have the honor to remain,

Very respectfully,

OREN W. WEAVER,
Acting Commissioner.

Hon. GEORGE F. EDMUNDS,
United States Senate.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 199.

IN THE SENATE OF THE UNITED STATES.

AUGUST 7, 1890.—Ordered to be printed.

Mr. CALL submitted the following

RESOLUTION:

Resolved, That the Committee on Foreign Relations is hereby instructed to inquire and report to the Senate by bill or otherwise such measures as may be necessary for the protection of citizens of the United States who were formerly residents of Cuba and subjects of Spain against prosecutions instituted by the Spanish authorities for offenses alleged to have been committed by them.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 200.

IN THE SENATE OF THE UNITED STATES.

AUGUST 7, 1890.—Ordered to be printed.

Mr. ALLISON, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill No. 10884, submitted the following conference report and statement:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10884) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 14, 17, 23, 24, 25, 32, 33, 40, 41, 42, 43, 44, 55, 56, 57, 58, 59, 65, 66, 67, 68, 72, 74, 76, 81, 86, 87, 88, 89, 90, 94, 108, 115, 118, 126, 129, 135, 147, 148, 149, 150, 153, 154, 155, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 177, 178, 181, 182, 183, 184, 185, 186, 187, 191, 192, 200, 201, and 202.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 7, 9, 11, 12, 15, 16, 21, 22, 26, 27, 28, 29, 30, 34, 35, 36, 37, 38, 39, 46, 48, 50, 51, 53, 61, 62, 63, 64, 70, 78, 79, 80, 83, 84, 85, 100, 107, 109, 110, 120, 123, 124, 128, 134, 136, 141, 144, 151, 152, 158, 159, 160, 174, 176, 179, 180, 188, 189, 190, 193, 194, 195, and 196, and agree to the same.

Amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert *twenty thousand dollars*, and the Senate agree to the same.

Amendment numbered 4.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

Strike out all after the word "land" in said amendment and insert in lieu of the matter stricken out the following: *For same, twenty-five thousand dollars*, and the Senate agree to the same.

Amendment numbered 8.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert *twenty-five thousand dollars*, and the Senate agree to the same.

Amendment numbered 10.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert *twenty-five thousand dollars*, and the Senate agree to the same.

Amendment numbered 13.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with amendments, as follows:

Insert after the word "erection" the words *and completion*, and insert after the word "ventilation" the words *at a cost not exceeding eighty thousand dollars*, and the Senate agree to the same.

Amendment numbered 31.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert *two hundred and fifty dollars*, and the Senate agree to the same.

Amendment numbered 45.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *two hundred and eighty thousand dollars*, and the Senate agree to the same.

Amendment numbered 47.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *thirteen thousand dollars*, and the Senate agree to the same.

Amendment numbered 49.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *one hundred and sixty-six thousand eight hundred dollars*, and the Senate agree to the same.

Amendment numbered 54.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following:

Repairs, Smithsonian Building: For fire-proofing the so-called chapel of the west wing of the Smithsonian Building, and for repairing the

roof of the main building and the ceiling and plastering of the main hall of the building, twenty-five thousand dollars; said work to be done under the supervision of the Architect of the Capitol, with the approval of the Regents of the Smithsonian Institution, and no portion of the appropriation to be used for sky-lights in the roof nor for well-hole in the floor of the main building, and the Senate agree to the same.

Amendment numbered 69.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *forty thousand dollars*, and the Senate agree to the same.

Amendment numbered 71.

That the House recede from its disagreeement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *five hundred and fifty thousand dollars*, and the Senate agree to the same.

Amendment numbered 73.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *six hundred and eighty-five thousand dollars*, and the Senate agree to the same.

Amendment numbered 75.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following: *But of this amount not exceeding ten thousand dollars may be expended for personal services of mechanics employed from time to time for casual repairs only*, and the Senate agree to the same.

Amendment numbered 82.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by said amendment, insert the following: *For freight elevator in Pension Building, three thousand dollars.* And the Senate agree to same.

Amendment numbered 92.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with amendments, as follows:

Add at the end of the matter proposed to be inserted by said amendment the following: *and the acts approved July third and July tenth, eighteen hundred and ninety*, and strike out the word "the" in line 20, page 37, of the bill, and insert in lieu thereof the word *other*; and the Senate agree to same.

Amendment numbered 93.

That the House recede from its disagreement to the amendment of the

Senate numbered 93, and agree to the same with amendments, as follows:

Restore the words stricken out by said amendment and insert after the word "lines," in line 8, page 38, of the bill, the following: *Provided further, That the Commissioner of the General Land Office may allow for the survey of lands heavily timbered, mountainous, or covered with dense undergrowth, in the States of Oregon and Washington, rates not exceeding eighteen dollars per linear mile for standard and meander lines, fifteen dollars for township, and twelve dollars for section lines*, and the Senate agree to the same.

Amendment numbered 96.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

Add at the end of the matter proposed to be inserted by said amendment the following: *Provided, That any person who actually settled, prior to January first, eighteen hundred and ninety, upon any regulation lot fifty by one hundred and forty feet and any additional lot upon which substantial improvements have been made shall be entitled to prove up and purchase same at the appraised value per lot at any time before the day of sale by the Government*, and the Senate agree to the same.

Amendment numbered 111.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *four thousand dollars*, and the Senate agree to the same.

Amendment numbered 112.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert *one thousand dollars*, and the Senate agree to the same.

Amendment numbered 113.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert *five hundred dollars*, and the Senate agree to the same.

Amendment numbered 114.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert *one thousand dollars*, and the Senate agree to the same.

Amendment numbered 116.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert *two thousand five hundred dollars*, and the Senate agree to the same.

Amendment numbered 117.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *fifty-four thousand and twenty-five dollars*, and the Senate agree to the same.

Amendment numbered 130.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *six hundred and ninety thousand dollars*, and the Senate agree to the same.

Amendment numbered 131.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following: *Provided, That the Secretary of War is authorized and directed to construct a hospital at Columbus Barracks, Columbus, Ohio, at a cost not to exceed twenty-five thousand dollars, out of the appropriation for construction and repairs of hospitals heretofore made in the act approved June thirteenth, eighteen hundred and ninety*, and the Senate agree to the same.

Amendment numbered 132.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following: *Not less than fifty thousand dollars of this appropriation shall be expended for work to be let in sections, after advertisement, to the lowest responsible bidder or bidders therefor, to be executed under the supervision and inspection of an engineer officer of the Army under the direction of the Secretary of War*, and the Senate agree to the same.

Amendment numbered 137.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows:

After the word "marines," in line 3 of the matter proposed to be inserted by said amendment, insert the words *of the late civil war*, and the Senate agree to the same.

Amendment numbered 146.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

Add at the end of the matter proposed to be inserted by said amendment the following: *Provided, That the Secretary of War in the expenditure of this sum may purchase stores of the value of those loaned or destroyed, without reference to old and obsolete patterns*, and the Senate agree to the same.

Amendment numbered 156.

That the House recede from its disagreement to the amendment of

the Senate numbered 156, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *one hundred thousand dollars*, and the Senate agree to the same.

Amendment numbered 157.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *two hundred and forty-two thousand five hundred dollars*, and the Senate agree to the same.

Amendment numbered 161.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert *two million six hundred and fifty-six thousand seven hundred and sixty-five dollars and forty-five cents*, and the Senate agree to the same.

Amendment numbered 162.

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with amendments, as follows:

Strike out the matter proposed to be inserted by said amendment and also the amended paragraph, and the Senate agree to the same.

Amendment numbered 197.

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment, as follows: Strike out after the word "aforesaid," in line 6 of said amendment, the following words: "adjoining, or in the vicinity of the present site of the Government Printing Office," and the Senate agree to the same.

Amendment numbered 198.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following:

Sec. 4. That hereafter all disbursing officers of the United States shall render their accounts quarterly; and the Secretary of the Senate shall render his accounts as heretofore; but the Secretary of the Treasury may direct any or all such accounts to be rendered more frequently when in his judgment the public interests may require, and the Senate agree to the same.

Amendment numbered 199.

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment, as follows:

After the matter proposed to be inserted by said amendment insert the following:

That the building authorized by the said act approved June twenty-fifth, eighteen hundred and ninety, shall be constructed in a fire-proof manner,

with not less than eight stories, and at a total cost, including approaches and heating apparatus, not exceeding one million nine hundred thousand dollars: Provided, That the Secretary of the Treasury may authorize a contract or contracts to be entered into for the construction of any portion or the whole of said building, subject to appropriations to be made therefor by Congress.

Toward the construction of said building, two hundred and fifty thousand dollars, and the Senate agree to the same.

Amendments numbered 91, 95, 98, 99, 102, 104, 105, and 106.

On amendments numbered 91, 95, 98, 99, 102, 104, 105, and 106 the committee of conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.
J. G. CANNON,
W. COGSWELL,
JOSEPH D. SAYERS,
Managers on the part of the House.

STATEMENT BY MR. ALLISON TO ACCOMPANY THE CONFERENCE REPORT.

SUNDRY CIVIL BILL, 1891.

Amount as passed House	$28,060,620.22
Increase by Senate	5,568,172.00
Amount as passed Senate	33,628,792.22
Net reduction in conference	3,776,710.00
	29,852,082.22
House has agreed to Senate amendments amounting to	1,791,462.00
Senate has receded from amendments amounting to	3,776,710.00

CHANGES IN AMOUNTS IN CONFERENCE.

Reductions.

Public buildings:	
1. Alexandria, La	$5,000.00
3. Beaver Falls, Pa	5,000.00
4. New Haven, Conn	35,000.00
5. Chicago, Ill	55,000.00
8. New London, Conn	5,000.00
10. Salina, Kans	5,000.00
14. Treasury building vaults	333,500.00
Total public buildings	443,500.00
Light-stations, etc.:	
17. Old Orchard Shoal, New York	60,000.00
23. Chincoteague buoy depot, Virginia	1,000.00
24. Portsmouth light-house depot, Virginia	10,000.00
25. Cape Hatteras Light-Station, North Carolina	5,000.00
31. Point Hueneme, Cal	1,000.00
32. New York Slough, Cal	10,000.00
33. Northwest Seal Rock	81,000.00
41. Supplies of light-houses	0,000.00
42. Repairs of light-houses	10,000.00
43. Expenses of buoyage	25,000.00
44. Expenses of fog-signals	5,000.00
45. Lighting of rivers	20,000.00
Total light-houses, etc	238,000.00
Miscellaneous:	
40. Revenue-Cutter Service	10,000.00
54. Repairs Smithsonian	20,000.00
55. National Museum building	500,000.00
56. 57. National Museum, furniture, etc	30,000.00
58, 59. Food fishes and vessels	11,100.00
65. Battery Island station	17,000.00
66. Interstate Commerce Commission	14,000.00
68. Adulterated food, District of Columbia	500.00
69. Transportation of silver coin	15,000.00
71. Assistant custodians and janitors	50,000.00
72. Furniture and repairs	50,000.00

Miscellaneous--continued:	
73. Fuel, lights, and water	$15,000.00
76. Vaults, safes, and locks	10,000.00
81. Latin American Memorial Library building	25,000.00
82. Pension building, roof and doors	10,000.00
86. Registers and receivers public lands	75,000.00
87. Contingent expenses, land offices	25,000.00
108. Government Hospital for Insane, general repairs	3,000.00
111-114. Howard University	5,200.00
115. Freedmen's Hospital	400.00
126. Congressional Cemetery	500.00
129. Underground departmental cable	18,465.00
130. Military posts	110,000.00
135 Crown Hill Cemetery, Indianapolis	15,000.00
147. United States military prison, Fort Leavenworth	200.00
149, 153, 154, 156. National Homes for Volunteer Soldiers	39,700.00
165-172. Back pay and bounty to volunteers	724,000.00
173. Court-house, Washington, repairs	2,500.00
Total miscellaneous	1,796,565.00
175. Defending suits against United States	5,000.00
United States courts:	
177. United States district attorneys	40,000.00
178. United States district attorneys, regular assistants	10,000.00
181. Fees of clerks	25,000.00
182. Fees of jurors	35,000.00
183. Fees of witnesses	200,000.00
184. Support of prisoners	50,000.00
185. Bailiffs, criers, etc	34,400.00
186. Miscellaneous expenses, courts, etc	20,000.00
187. Payment to the late Chief-Justice Waite's widow	8,745.00
Total United States courts	428,145.00
190. Botanic Garden	3,000.00
200. Supreme Court building site	800,000.00
201. Post-Office Department building site	300,000.00
202. Globe printing office building	135,000.00
Total Washington buildings	1,235,000.00
Total reduction	4,144,210.00

Increase in conference.

47. Coast Survey	2,500.00
88. Depredations on public timber	25,000.00
89. Protecting public lands	20,000.00
163. State and Territorial Homes	70,000.00
199. Washington City post-office building	250,000.00
Total increase	367,500.00
Net reduction in conference	3,776,710.00

Disagreements.

Increase surveying public lands from $200,000 to $600,000	$400,000.00
Increase for topographic surveys from $200,000 to $300,000	100,000.00
	500,000.00
Reduction on account of irrigation surveys	777,500.00

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51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 201.

IN THE SENATE OF THE UNITED STATES.

AUGUST 7, 1890.—Ordered to be printed.

Mr. DAWES, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill H. R. 8391, submitted the following

CONFERENCE REPORT:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8391), "making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1891, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 23.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, and 22, and agree to the same.

Amendment numbered 6.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

Strike out line 2 page 3 of the bill and insert in lieu thereof the following: *sums appropriated therefor*, and the Senate agree to the same.

Amendment numbered 10.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following:

That contracts shall be invited by the Secretary of War, by proper notice and publication, for the manufacture (finishing and assembling) of eight-inch, ten-inch, and twelve-inch steel sea-coast guns from forgings procured under fortification act of September twenty second, eighteen hundred and eighty eight, and if private parties shall offer to finish, assemble, and deliver any of such guns in proper condition for use as completed guns, at a price fair to the Government, the necessary contracts shall be entered into by the Secretary for that purpose; and to carry into effect this provision the sum of two hundred thousand dollars is hereby appropriated: Provided, That the finishing and assembling of not over fifty per centum of each caliber of such forgings shall be thus contracted for: Provided further, That all contracts made hereunder shall be so made as to fully protect the Government against all loss or damage which may result from imperfect work, the fault of the contractor, and the work done hereunder shall be subject to inspection at every stage, and the Senate agree to the same.

Amendment numbered 13.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert *three hundred and twenty thousand dollars*, and the Senate agree to the same.

Amendment numbered 24.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following:

To enable the necessary experiments to be made to test the value thereof, including the purchase of material and construction where necessary of pneumatic gun-carriages, segmental guns, and high explosives, fifty thousand dollars, or so much thereof as may be necessary. And the Secretary of War, through the medium of the Board of Ordnance and Fortification, under the appropriation made by section six of the fortification act approved September twenty-second, eighteen hundred and eighty-eight, shall have authority, if he deems it expedient, to test and purchase a recoil-operated infantry small arm of thirty caliber, with proper character and amount of ammunition, such ammunition to consist of the compound accelerating cartridge; and also to test and purchase one light rapid fire, rapid twist six-pounder breech-loading field gun mounted upon a disappearing shielded field gun carriage, with proper amount of ammunition therefor, consisting of said accelerating cartridge; and also to test one retiring sea-coast defense carriage. And the last paragraph of "An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and ninety, and for other purposes," approved March second, eighteen hundred and eighty-nine, is hereby so amended as to authorize the use, if the Secretary of War deems it expedient, of a six-inch breech-loading rifled cannon of new pattern in the test of the counterpoise battery therein provided for, and the appropriation is hereby continued for the purposes of such test for the fiscal year eighteen hundred and ninety-one; and the Senate agree to the same.

Amendment numbered 25.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with amendments, as follows:

Strike out in line 37 of said amendment the words "the type," and strike out lines 41 to 52, both inclusive, of said amendment and insert in lieu thereof the following:

That under the provisions of this section there shall not be expended or contract or contracts entered into involving the Government in an aggregate expenditure exceeding three million seven hundred and seventy-five thousand dollars, nor an expenditure on the part of the Government in any one fiscal year in excess of one million dollars. And all guns and materials purchased under the authority of this section shall be of American manufacture and furnished by citizens of the United States: Provided further, That contracts may be made for not exceeding one-fourth of the guns herein provided for, to be constructed on the Pacific coast, in the discretion of the Secretary of War: Provided further, That all expenditures made under this section shall be paid from the amount made available and provided for in section six of the "act making appropriations for

fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved September twenty-second, eighteen hundred and eighty-eight. And the Secretary of War shall embrace in his estimates of appropriations for fortifications from time to time the amounts necessary to carry out all contracts made hereunder: Provided further, That full and accurate accounts shall be kept, showing the cost of all type and experimental manufacture of guns, and other articles, and the average cost of the several classes of guns and the other articles manufactured by the Government, a statement of which account shall be laid before Congress annually in the same manner as is now required from national armories under section sixteen hundred and sixty-five of the Revised Statutes, and the Senate agree to the same.

H. L. DAWES,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.
W. L. BREWER,
WM. COGSWELL,
Managers on the part of the House.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 202.

IN THE SENATE OF THE UNITED STATES.

AUGUST 8, 1890.—Presented by Mr. Sherman, referred to the Committee on Commerce, and ordered to be printed.

MEMORIAL OF THE CLEVELAND VESSEL OWNERS' ASSOCIATION, PRAYING THE SPEEDY COMPLETION OF THE IMPROVEMENTS AT THE ST. MARY'S SHIP CANAL.

CLEVELAND, OHIO, *August* 5, 1890.

To the Senators and Representatives of the United States in Congress:

The Cleveland Vessel Owners' Association, including in its membership owners of 300 lake craft, with carrying capacity of between 400,000 and 500,000 tons, on our own behalf as well on behalf of the greater interests of the commerce with the Northwest dependent on uninterrupted water communication with that vast section, most seriously and earnestly urge upon the attention of Congress the pressing necessity for the speedy completion of the improvements at and connected with St. Mary's Falls Ship Canal.

The recent blockade damaged the owners of the vessels detained many thousands of dollars by the immediate delay, and much more by the derangement of business and the grouping of vessels together so that blockades will occur at the terminal points. But it may almost be said that our direct loss is trifling compared with the consequences to the people East and West less directly but not less truly dependent on this waterway.

These consequences proceeded not from any unusual disaster or overwhelming force, but from an ordinary breakage of a small portion of the working machinery of the lock. Other parts of the machinery may likewise break at any moment; similar valves are in use there. The repairs now made were hastily done and are more or less temporary in their character.

The opportunities for a similar or more serious misfortune are numerous and so evident that it is unnecessary to more than allude to the fact.

The breaking of one of the gates by external force, such as collision, would prove a distressing national disaster, as it would stop entirely for a long and indefinite period all interchange between the East and the Northwest. Occurring now, an interruption might easily cause a coal famine the coming winter in the Northwest and prevent the shipment of the grain crop at a cost leaving no profit whatever to the producers; would shut off the supply of ore from Lake Superior mines, because, even if a small part could be shipped by rail to Escanaba, the shipping facilities of that port could accommodate little in addition to the quantity now handled there in the natural course of business; furnaces

in the Middle States would be shut down for lack of ore; coal mines could not ship their product to the Northwest and some must cease mining; thousands of men would be thrown out of employment along the whole line.

That these consequences and others of like character would follow a protracted interruption of this commerce is certain and inevitable.

We respectfully urge that the situation is really a serious one. Already the present lock and canal are taxed to their full capacity day after day. Vexatious delays are experienced in waiting for opportunity to pass through. No adequate time can be given for the inspection and repair of the lock. The machinery is required to work and is expected to work safely, without breakage or considerable repairs, for eight months in the year. Such reliance is unwise, and the interests dependent on the waterway are too wide-reaching and too important to justify it.

The new lock is necessary not only for use in such emergencies as the recent one, but there is need for both for daily use, one for up-going and the other for down-going crafts, giving also opportunity to temporarily close either lock when necessary for examination or repair, and so keep each in perfect working order.

This matter affects so many people in so many States that it is national in its character and importance. The evil of depending on one inadequate lock is a dangerous and growing one. The efforts made in behalf of the improvement which culminated in a bill now before Congress may be unavailing unless new interest is excited and the subject is given the thoughtful attention and prompt action of which it is worthy; and such attention and prompt action in making some ample and quickly available provision for the completion of the projected improvements we respectfully and earnestly ask at your hands by passing the proposed legislation before Congress, either with the present river and harbor bill or as a separate measure.

H. M. HANNA,
President.
THOMAS WILSON,
M. A. BRADLEY,
JAMES CORRIGAN,
J. W. MOORE,
B. L. PENNINGTON,
Executive Committee.

Attest:
GEORGE P. MCKAY,
Secretary.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 203.

IN THE SENATE OF THE UNITED STATES.

AUGUST 8, 1890.—Referred to the Committee on the Judiciary and ordered to be printed.

Letter of the Commissioners of the District of Columbia, communicating, in answer to a resolution of the Senate of the 1st instant, information in relation to the occupancy of certain parts of P, Q, and R streets, in the Trinidad subdivision of the District by the Baltimore and Ohio Railroad Company.

OFFICE OF COMMISSIONERS
OF THE DISTRICT OF COLUMBIA,
Washington, August 8, 1890.

SIR: In response to the resolution of the Senate of August 1, directing the Commissioners of the District of Columbia to inform the Senate whether the Baltimore and Ohio Railroad Company is proceeding to occupy certain parts of P, Q, and R streets, in the Trinidad subdivision of the District, and, if so, under what authority of law it is so doing, the Commissioners have to state that permit to said company to lay tracks across said highways was issued by them on the 26th ultimo, as advised by their attorney, a copy of whose opinion on the subject is transmitted herewith, and that work under this permit has been commenced.

Respectfully,

J. W. DOUGLASS,
President.

Hon. LEVI P. MORTON,
President of the United States Senate.

OFFICE OF THE ATTORNEY, DISTRICT OF COLUMBIA,
July 25.

GENTLEMEN: I have carefully examined the papers and maps accompanying the application of the Baltimore and Ohio Railroad Company to lay tracks across certain streets or roadways in a subdivision in the District, adjacent to Boundary street of this city and the main stem of said company's road, known as "Trinidad," which has been referred to this office for an opinion on the question whether the Commissioners can legally grant the company a permit to lay its tracks as proposed. In considering the matter I have had the advantage of both written and oral arguments on behalf of the company by its attorneys, Messrs. Morris & Hamilton, and by Mr. Mattingly on behalf of certain persons owning ground in Trinidad who object to the laying of the tracks as proposed by the railroad company.

It appears that the railroad company, desiring to remove its roundhouse and machine-shops from its yard at the corner of New Jersey avenue and C street, in this city, and transfer a large amount of its freight traffic from the streets in the vicinity of its depot, with a view to relieve the people in that neighborhood as much as possible from the discomfort and inconvenience arising from the operation of its road, which had long been the subject of complaint, purchased ground in Trinidad adjacent to the tracks of its main stem and Boundary street, where the road enters the city, on which to build a round-house, machine-shops, and sidings and freight-yards. Considering the surroundings of Trinidad, one would think a place could not have been selected by the company where the operations of its road would be less inconvenient to the public.

The company, before any question arose as to its right to lay tracks on the streets of Trinidad, had gone so far as to demolish certain of its buildings and shops in its yard at the station on New Jersey avenue, and had begun the erection of others on its purchase in Trinidad. Those in charge of its work seem to have proceeded on the idea that since what they were doing was on the company's property outside the limits of the city it was competent for them to lay tracks without a permit from the Commissioners for that purpose first had, and they proceeded with the work until they were stopped by the Commissioners, by police intervention.

This brings me to an examination of the legislation by Congress in regard to this company.

By act of Congress approved March 2, 1831, the Baltimore and Ohio Railroad Company were authorized—

to extend into and within the District of Columbia a lateral road, such as the company shall construct or cause to be constructed in a direction towards said District, in connection with the railroad which they have located and are constructing from the city of Baltimore to the Ohio River in pursuance of their said act of incorporation, and the said Baltimore and Ohio Railroad Company are hereby authorized to exercise the same powers, rights, and privileges, and shall be subject in the same restrictions in the extension and construction of the said lateral road into and within said District as they may exercise, or are subject to, under and by virtue of their said charter or act of incorporation, in the extension and construction of any railroad within the State of Maryland, and shall be entitled to the same rights, compensation, benefits, and immunities in the use of the said road and in regard thereto as are provided in the said charter.

It is further provided in said act of Congress—

That whenever the said company in the construction of a railroad into and within said District as authorized by that act, shall find it necessary to cross or intersect an established road, street or otherway it shall be the duty of said company so to construct the said railroad across such established road, street, or other way as not to impede the passage or transportation of persons or property along the same. * * * But the said company, in passing into the District aforesaid and constructing the said road within the same, shall enter the city of Washington at such place and shall pass such public street or alley to such point or termination within said city as the said company shall find best calculated to promote the objects of said road: *Provided*, That the level of said road within said city shall conform to the present graduation of the streets unless the said corporation shall agree to a different level.

By act of Congress approved February 11, 1835, and being supplemental to the foregoing act, it is provided, in section 4 thereof—

That the said company are further authorized to construct branches of their road from the main stem thereof, within the said city, to such place or places, and in such a number of tracks, as the corporate authority of the city of Washington shall assent to or permit: *Provided*, That the said branches shall not pass through any of the public reservations.

And it is further provided in section 5—

That it shall be lawful for the said company, and they are hereby empowered to obtain, by gift or purchase, any lot or lots adjacent to any street or avenue along which the said company shall construct their road or branches, and to hold and improve the same in such manner as may be necessary for the purposes of the said company, or for the beneficial use of said road or the branches thereof; and the said company shall be authorized to extend and construct tracks of railway into any lot or lots so held by them in connection with the tracks in any adjacent street or avenue: *Provided*, That the free use of any street or avenue shall not be impaired thereby. *And provided also*, That the said company shall not use or employ any steam-engine in drawing or propelling the cars, wagons, or other vehicles on part of the said road within the city of Washington except in such parts as may be agreed to by the corporate authorities of said city.

By virtue of this legislation it is contended the Baltimore and Ohio Railroad Company have the same rights, privileges, etc., as to location, construction, and running of its road, as are given by its act of incorporation, passed by the Maryland legislature, February 18, 1827, and by reference to said act of incorporation it will be seen that within the State of Maryland said company has the right to cross or intersect or pass over any road or way, provided it does not impede thereby the passage or transportation of persons or property along the same; and that it has the right also to acquire property along its road, and to build switches from its road to said property, and to use said property for depot, freight, and all other purposes necessary and convenient to the proper conduct of its road. It further appears that the same rights are enjoyed by said road in the city of Baltimore and other cities through which it may pass in said State.

On the other hand it is contended that the provisions found in the act of Congress relative to the Baltimore and Ohio Railroad Company are the same substantially as those contained in the acts relative to the Baltimore and Potomac Railroad Company. The right of the latter company to lay tracks across Fourteenth street in this city, in the absence of an act of Congress permitting such use of the street, was before the Supreme Court in the case of the District *vs.* Baltimore and Potomac Railroad Company (114 U. S., 453). In that case, which is relied on by counsel representing the owners of property in Trinidad as authority for the position that the Baltimore and Ohio Company are not entitled to occupy streets of that subdivision, the Baltimore and Potomac Company had purchased square 233 with a view to building an additional freight depot thereon in order to accommodate their increasing traffic. In order to reach that square with its tracks it was necessary to depart from Maryland avenue and cross square 267 and Fourteenth street. Having given the District notice that it proposed to construct a lateral track so as to connect its road with square 233, the company, by its servant, proceeded to do the work, which the Commissioners prevented by police interference. Thereupon the Railroad Company filed its bill in the Supreme Court of this District for an injunction to prevent the Commissioners from interfering with them in the exercise of the right they claimed to build a lateral track across Fourteenth street into square 233. The court granted the injunction as prayed, from which the District appealed to the Supreme Court, where it was held that, in the absence of an authorization by act of Congress "or the consent of any authority representing the city of Washington or the District of Columbia," the railroad company had no right to lay its tracks in or across the streets of the city of Washington. At page 460 the court observes—

The title to the streets of the city of Washington is in the United States and not in the city or in the owners of the adjacent lots. * * * It is therefore eminently proper that the right to use them for any other than the ordinary use of streets should proceed from Congress.

But is the case of the District *vs.* The Baltimore and Potomac Railroad Company in point, and should it be followed as an authority in this case? I think not. That case involved, as we have seen, the right of the Baltimore and Potomac Company to build a lateral track across one of the streets of this city without an act of Congress specifically permitting it to do so. The Baltimore and Potomac Company had no right to depart from the route specifically and minutely laid down for them to pursue in the act of Congress of 1870; they did not possess the right, as I think the Baltimore and Ohio Company does, to construct lateral tracts into any lot owned by them. Their application in this case is not for permission to lay tracks in the streets of this city, but in the streets or roadways of a subdivision which lies outside the city limits and is no part of the city. The Baltimore and Ohio Company, by the act of 1835, has the right to enter upon, cross, and occupy, with its tracks, the streets of Washington and the roadways of the District east of Seventh street and north of the present depot.

The language of the act of Congress admitting the Baltimore and Potomac Company to come into the city is not so broad and liberal as the act of 1835 permitting the Baltimore and Ohio Company to come in, and, then, the decision of the Supreme Court refers only to the Baltimore and Potomac Company and its right to occupy the streets of Washington City. The streets of Trinidad must be considered as "roadways" of the District. They are certainly not streets of this city, although they may have been laid out so as to conform to the plan of the city streets, by which is meant, if it be the case that some day in the future when it becomes necessary to extend the limits of this city so as to take in Trinidad and other subdivisions, there may be no inconvenience and confusion because the streets of that or any other subdivision do not correspond to the streets of the city. If the streets of Trinidad are only "roadways" or streets of the District, and not streets of this city, then it would seem clear that the Baltimore and Ohio Company have the right to occupy those roadways or streets with their tracks as proposed, provided the same is done so "as not to impede the passage or transportation of property along the same," by which is meant they shall so lay their tracks at the crossing as not to prevent persons from using the streets for ordinary business and travel.

It is contended that the Commissioners have not the powers of municipal corporations. But the Commissioners, it has been held, have the powers of the old Board of Public Works, and the Board of Public Works had the powers of a municipal corporation so far as this question is concerned. The Board of Public Works, under the act of 1835, allowed the Baltimore and Ohio Company to occupy I street, within the city limits, with its tracks known as the "Y." In doing this the Board exercised municipal powers. The validity of this structure called the "Y," was drawn in question in the circuit court of this District recently, in the case of Glick *vs.* The Baltimore and Ohio Railroad Company, and again in Woods *vs.* the same company. The first case was an action for damages to the plaintiff's property, growing out of the operation by the company of the tracks called the "Y," it being alleged to be an unlawful structure. Woods's case was for recovery of damages for personal injuries resulting from an accident on the "Y" in 1885. In Glick's case Chief Justice Bingham at the first trial and Mr.

Justice Montgomery at the second trial, instructed the jury that the "Y" was a lawful structure. In the Woods case, Mr. Justice Montgomery gave a similar instruction; of course these rulings are not the decisions of the general term, but they are the decisions of two of the justices who may sit in the general term.

If, then, the Board of Public Works had the power to authorize the Baltimore and Ohio Company to lay tracks on I street within the limits of this city, then it is clear, I think, that the Baltimore and Ohio Company having purchased ground in Trinidad, outside the city limits, has the right to pass by switch over and upon the roadways or streets of Trinidad in order to reach and enjoy their property as proposed, provided they first get the approval of the Commissioners as the corporate authority of this District, as provided in the act of 1885.

Very respectfully,

S. T. THOMAS,
Assistant Attorney District of Columbia.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

WASHINGTON, D. C., *July* 26, 1890.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA:

The Baltimore and Ohio Railroad Company hereby request permission to locate and construct certain tracks, and to erect certain structures, upon their property in the subdivision known as Trinidad; said tracks to be constructed across the beds of P, Q, and R streets.

Permission is also asked to make such cuttings in the beds of these streets, and so depress the beds of said streets below the established grade, as to admit of the construction of said tracks upon a grade uniform with that of the main tracks of the Baltimore and Ohio Railroad adjoining the Trinidad subdivision. The Baltimore and Ohio Railroad Company agrees to construct and maintain a suitable fence at the top of said cutting.

By the BALTIMORE AND OHIO RAILROAD COMPANY,
WM. ALVEY, *Agent.*

The above application is within the principle of my opinion.

S. T. THOMAS,
Assistant Attorney District of Columbia.

51ST CONGRESS, 1st Session. SENATE. MIS. DOC. No. 204.

IN THE SENATE OF THE UNITED STATES.

AUGUST 9, 1890.—Referred to the Committee on Rules and ordered to be printed.

Mr. HOAR submitted the following

RESOLUTION:

Resolved, That the rules of the Senate be amended by adding the following:

When any bill or resolution shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measure shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice shall then be given, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure not more than once, and not exceeding thirty minutes.

After such demand shall have been made by any Senator no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

After the Senate shall have decided to close debate no motion shall be in order but a motion to adjourn or to take a recess, when such motions shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure, or one vote upon the same shall have intervened.

O

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 205.

IN THE SENATE OF THE UNITED STATES.

AUGUST 11, 1890.—Ordered to be printed.

Mr. MCPHERSON submitted the following

RESOLUTION:

Resolved, That the Commissioner of Labor be directed to furnish to the Senate at the earliest practicable moment a statement of the direct labor cost as itemized in Senate Mis. Doc. No. 198 as to labor cost in one ton of steel rails in establishments in the United States; said statement to be compiled from House of Representatives Mis. Doc. No. 222, as stated in last column of totals on page 35, which includes seven steel-rail establishments on the continent of Europe and two in Great Britain.

O

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. 205, Part 2.

IN THE SENATE OF THE UNITED STATES.

AUGUST 11, 1890.—Ordered to be printed.
AUGUST 12, 1890.—Considered, and, with the amendment proposed, ordered reprinted.

Mr. MCPHERSON submitted the following

RESOLUTION:

Resolved, That the Commissioner of Labor be directed to furnish to the Senate at the earliest practicable moment a statement of the direct labor cost as itemized in Senate Mis. Doc. No. 198 as to labor cost in one ton of steel rails in establishments in the United States; said statement to be compiled from House of Representatives Mis. Doc. No. 222, as stated in last column of totals on page 35, which includes seven steel-rail establishments on the continent of Europe and two in Great Britain.

AMENDMENT PROPOSED BY MR. EDMUNDS.

Strike out all after the word "*Resolved*," and insert:

That the Commissioner of Labor be, and he hereby is, directed to furnish the Senate as soon as practicable a statement of the direct labor cost mentioned in Senate Miscellaneous Document No. 198, *of the present session, being "Letter from the Department of Labor, dated August* 6, 1890, *addressed to Senator Edmunds," of one ton of steel rails in the establishments carrying on such operations in the United States, such statement to cover the whole direct labor cost, beginning with the ore in the mine, and so on, to the completed steel rail; and that he furnish a comparative statement of such report, with the statement on the same subject contained in House of Representatives Miscellaneous Document No.* 222, *of the present session; and that he report the results of the information in his Department on the same topic as applied to the production of similar steel rails in other countries; and that he report also the result of the information in his Department in respect of the total amount of labor and all other personal service and expense applied to the same ton of steel rails arising otherwise than in direct wage labor; and that he report also the result of the information in his Department in respect of the cost of taxes, repairs, interest on capital, and other incidental expenses applied to the same subject, both in the United States and in other countries.*

O

51ST CONGRESS, 1st Session. SENATE. MIS. DOC. No. 206.

IN THE SENATE OF THE UNITED STATES.

AUGUST 12, 1890.—Ordered to be printed.

Mr. EDMUNDS submitted the following

ORDER:

Ordered, That during the consideration of House bill 9416, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," no Senator shall speak more than once and not longer than five minutes on or in respect of any one item in said bill or any amendment proposed thereto, without leave of the Senate,—such leave to be granted or denied without debate and without any other motion or proceeding other than such as relates to procuring a quorum when it shall appear on a division, or on the yeas and nays being taken, that a voting quorum is not present. And until said bill shall have been gone through with to the point of a third reading no general motion in respect of said bill other than to take it up shall be in order. All appeals pending the matter aforesaid shall be determined at once without debate.

Notice is hereby given, pursuant to Rule XL, that the foregoing order will be offered for adoption in the Senate:

It is proposed to suspend, for the foregoing stated purpose, the following Rules, viz: V, VIII, IX, X, XII, XVIII, XIX, XXII, XXVII, XXVIII, XXXV, and XL.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 207.

IN THE SENATE OF THE UNITED STATES.

AUGUST 12, 1890.—Ordered to be printed.

Mr. BLAIR submitted the following

RESOLUTION:

Resolved, That the following rule be adopted to fix the limit of debate, viz:

RULE ——.

When a proposition has been under debate two days and not less than four hours, which shall be determined by the Presiding Officer without debate, it shall be in order to move the previous question, unless the Senate shall otherwise fix the time when debate shall cease and the vote be taken; and in any case arising under this rule the Senator in charge of the measure shall have one hour in which to close the debate.

During the last fourteen days preceding the time fixed by law, or by concurrent resolution passed by the Senate for the end of a session, a majority of the Senate may close debate at any time, subject to the right of the Senator in charge of the measure; and any motion for the previous question or to limit debate and to fix the time for the vote to be taken shall cease in one hour and be subject to the Anthony rule.

O

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 208.

IN THE SENATE OF THE UNITED STATES.

AUGUST 12, 1890.—Ordered to be printed.

Mr. TURPIE submitted the following

RESOLUTION:

Resolved, That the Secretary of the Treasury be directed to include the claim of Silas Q. Howe, surviving partner of W. T. Pate & Co., audited by the Commissioner of Internal Revenue under section 3220, Revised Statutes, in the list of claims covered by the resolution adopted by the Senate August 11, 1890, directing him to transmit to the Senate a list of claims allowed by the several accounting officers of the Treasury Department, etc.

O

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 209.

IN THE SENATE OF THE UNITED STATES.

MEMORIAL

BY

JOHN COWDON

ON THE

MISSISSIPPI RIVER,

SHOWING THE REASONS WHY PLANS ARE INAUGURATED AND ADVOCATED THAT HAVE NOT NOR NEVER CAN IMPROVE THE LOW-WATER CHANNELS OF THAT RIVER AND ITS TRIBUTARIES.

AUGUST 12, 1890.—Presented by Mr. BLAIR and ordered to lie on the table and be printed.

To the Honorable Senate and House of Representatives:

The opening of the Mississippi River with a ship-channel of 35 to 40 feet in depth, and the deepening of the low-water channels of that river and its tributaries to double their present depth, and at the same time stopping the overflows of their valley lands, are questions of such recognized national importance and vast magnitude to the commercial prosperity of the whole civilized world, that no one man or combination of men dare come out and openly oppose these great measures, no matter how much money and other influence they may have behind them.

But as there are many men who, for various and selfish reasons, do oppose them and to defeat those great works have inaugurated plans under the name and direction of what is known as the Mississippi River Commission, and are clamorous for the improvement of that great river and its tributaries on the plans of that Commission for the reason that they know they will do no good.

The creation of that commission was a cunningly devised trick, a deep-laid plot, imposed on Congress and the country to defeat, so long as possible, one or all of these great works, and was as premeditated and so far executed as was the assassination of General Garfield a successful calamity, and has already cost the country more than one billion dollars, nine-tenths of which the east and west railroads and their connections have been the beneficiaries.

THE FOLLOWING FACTS

will prove this, and what clearer proof of this fraud could you have than the Chamber of Commerce of the city of New York sending a delegation of its own members to Washington City, headed by the president of one of the greatest transcontinental railroads in this country, to memorialize Congress and importune the President of the United States in favor of the improvement of the Mississippi River on the plans of the Mississippi River Commission, as was the case a few weeks ago. Now let me ask, as a fair business proposition, does it look natural or probable for the shrewd merchants of that great and grasping city to favor anything that would tend to divert trade from that city, as would the opening and the improvement of the Mississippi River, which, as above stated, would have been done ten years ago had it not been for the creation of the Mississippi River Commission.

AS REGARDS RAILROAD PRESIDENTS.

Show me one who favors the opening or the improvement of the Mississippi River and I will show you leopards fresh from the jungles of Africa without spots. The first is as unnatural as the other is impossible, and the fraud is so glaring that even an imbecile must understand it.

It has been stated that the

CITY OF ST. LOUIS

favors the opening and improving the Lower Mississippi River. That statement is more ludicrous than the above, for that city supplies fully three-fourths of all the goods bought for and used by the Mississippi River Commission, and those merchants do not want that work to ever end. And, as for the cotton merchants of St. Louis, every one of these men will tell you that they do not want the Mississippi River opened or improved, for, if so, no more cotton would come to that market from the South.

Some five years ago one of the leading cotton men of St. Louis told me that he favored the jetties for the reason that he was satisfied they never would get as much depth of water as at New York, and so long as that was the case the cotton from the South would continue to come to St. Louis; and, the facts are, there is not now, nor never has been, a 25-foot channel for incoming and outgoing vessels through the jetties, and this is why cotton is carried from New Orleans to Liverpool by rail to New York, where there is a 30-foot channel, and 10,000-ton ships, which carry cotton on to Liverpool for 50 cents a bale, when at New Orleans, in consequence of the small vessels that clear that port of not over 3,600 tons, the charge on cotton to Liverpool is $1.50 a bale, and the same proportionate difference on grain and all other exports.

Soon after the opening of the

JETTIES

at the mouth of the Mississippi River, which gave 3 or 4 more feet of water on the sea bar than formerly, the exports of grain in two or three years from almost nothing ran up to 40,000,000 a year.

This Mr. Jay Gould saw and at once set about ways to stop it, and the first thing we heard was that Mr. Gould had in the name of the Wabash, the Missouri Pacific, and the Iron Mountain Rail Roads, with $450,000 in cash, bought the controlling interest in the St. Louis and New Orleans barge line.

This was heralded as a great triumph for the Mississippi River by his organs, the Times Democrat and Picayune, of New Orleans, the Herald, of Vicksburg, the Appeal, of Memphis, and the Republican, of St. Louis. But what followed? It was but a short period of time when one-half of these barges went to the bank and there to rot, no more to be built, and others following in the same way, until at this time the exports of grain from the port of New Orleans do not exceed 7,000,000 or 8,000,000 bushels a year, and two-thirds of that is the surplus that his roads could not haul to New York.

To satisfy the minority stockholders in the barge line they get their regular dividends, by pooling the earnings of the barge business with that of his roads; in this way, without the people of the Northwest knowing it, he has defeated the Mississippi as a competitor with the trans-continental railways and their connections, and he has made money by it if he loses every dollar he put into the barge line, for by this trick he has plundered the whole country out of at least one hundred millions a year, and as for any good the Mississippi is to the country it had as well not be there.

I have heard it stated on good authority that Mr. Gould is in favor of the improvement of the Mississippi River on the plans of the Mississippi River Commission, and that he has also said that Mr. Cowdon's plan was correct, but he could not aid him, for it would break up all his East and West railways and their connections. This fully verifies what was said to me by one of his friends in Memphis ten years ago that "I could not succeed with my plans to open and improve the Mississippi River, for there were fully $3,000,000,000 invested in railroads that would oppose me."

To that statement I replied, and repeat it here, that it made no difference if it were as many trillion dollars I would succeed, for I was right, as the time would soon come when the robbed and plundered people of this whole country would wake up and send men to Congress who would give me the chance to try the truth or falsity of my plans, and I believe they are here now, and have good reason to hope that this exposé, together with other things that are being done to expose these frauds, will soon show Mr. Gould and his railroad friends and attorneys that they do not own or control this Government.

MR. FINK,

another great railroad magnate, said:

The Mississippi River does more to regulate the freight rates on railroads than all the laws Congress can ever make.

I am informed that he also, and very naturally so, favors the improvement of the Mississippi River on the plans of that Commission.

In 1874, when before the Senate Committee on Transportation, Mr. WALKER, the president of the Chicago, Burlington and Quincy Road, said, "He did not see any use in the improvement of the Mississippi River, as the railroads could do all the business of the country."

When before the same committee Mr. MCCOMBS, the president of the Mobile and Ohio Road, said, "That he was not in favor of the improvement of the Mississippi River, for as it was it was the hardest thing to fight that he had struck yet, he reckoned."

So much for the railroad men. Now let us see what others say about the Mississippi River who are advocating its improvement on the plans of the Mississippi River Commission.

Several years ago

MR. JOHN A. SUDDER,

the president of the Anchor Line of river steamers, told me "That he did not want the Mississippi River improved; it suited him as it was." About that time the general manager and superintendent and a large stockholder in that line of lower river steamers said to me "That if the river was improved and the overflows were stopped that it would bring about competition which they did not want; that they now had all the business that they could manage with one boat a day and did not want that business increased.

THE ST. LOUIS BRIDGE.

When that was completed one of the leading newspapers in that city said:

This bridge frees us from the lower Mississippi River. It always was a nuisance. With ten railroads entering from the East and as many from the West and crossing on that bridge, we can now throw the lower end of the Mississippi River away.

HON. E. C. STANNARD,

who has large flour mills in St. Louis and is always figuring conspicuously in Mississippi River conventions favoring the plans of the Mississippi River Commission for its improvement, stated to me on the floor of the Merchants' Exchange, "That he had no use for the lower Mississippi River; that he sent all his flour east by rail; even that which went to Central and South America went that way, and none by New Orleans."

MR. DAVID P. HADDEN.

Some four years ago this gentleman, at a public meeting in the City of Memphis, said:

Mr. Cowdon is right; but that as there is no money in his plan and we want the appropriations and they can only come through the Mississippi River Commission, I am in favor of indorsing the Commission.

JUDGE SIMMERAL.

This gentleman lives in Vicksburg, and at a public meeting in 1880 in the city of St. Louis, said "that the lower outlets, meaning the Atchafalaya, the Morganzia, and Bonnet Carre, had for several years kept the flood-line of the Mississippi down from eight to nine feet at Vicksburg, and that he was a firm believer in that system." When to my astonishment in 1882 he came before the House Commerce Committee advocating the levee system, and stated to me the reason for the change was they wanted the appropriations and could only get them through the Mississippi River Commission.

HON. LOGAN H. ROOTS, OF ARKANSAS.

On the same day this gentleman said to me: "You will ruin us; there is no money in your plan; we must have the appropriations for levees," and in order to get the appropriations they must have levees, not caring *a cent* whether the country is overflowed or not.

CAPT. ISAAC M. MASON.

This gentleman is now the president of the Anchor Line of steamers already referred to, which now carries three-fourths of all the freight and other business of the Mississippi River Commission. He went to the Vicksburg Levee Convention and not only did all he could there for the River Commission and levees, but sent Captain Shields here, who went before the Senate Commerce Committee and told so many marvelous things about the improvement of the Mississippi River under the direction of the Mississippi River Commission, and that how business was increasing on that river in consequence of such improvement.

When the facts are the city of St. Louis now sends only two boats a week to New Orleans, and these are Anchor Line boats, when thirty years ago when the commerce of the northwest was not the twentieth part of what it now is, St. Louis had fully fifty large steam-boats in the New Orleans trade and twice as many more in the upper Mississippi and Missouri River trades, and now not half a dozen in the upper rivers.

The same with the Ohio River where there are not now a dozen boats going to New Orleans, fully 90 per cent. of the commerce of the northwest and southwest goes across the continent on railroads at three times the cost of transportation that it would be were the Mississippi River opened and improved as I have above stated.

THE COTTON EXCHANGE OF MEMPHIS,

I am informed, favors the improvement of the Mississippi River on the plans of that Commission, I have no doubt but that is true, for I have been told repeatedly by the leading cotton men in that city that if the Mississippi River was opened with even a 30-foot ship-channel to the gulf that no more cotton from the river bottoms below Memphis would come there, and that as a business proposition they would be glad to see the mouth of the Mississippi River closed up.

THE BARRATARIA SHIP-CANAL.

The above are mainly the reasons why these same cotton merchants of Memphis refused to aid me with the money to complete that great work after they had helped me to get the charter through the Legislature of the State of Louisiana, and also the Congress of the United States in 1877, and after they had sent a delegation of their own members over the route, who reported it "feasible, easy of construction, and would be one of the best paying investments in this country."

THE NEW ORLEANS CHAMBER OF COMMERCE,

it is asserted, also favors the improvement of the Mississippi River on the plans of that Commission. This could not be otherwise, controlled, as it has been, by the levee ring and the Times-Democrat, the organ of east and west railways; it was the jetties and general job organ advocating things to ruin New Orleans, the last of which was the building of a pier and short-span bridge across the Mississippi River just above that city.

Until recently that paper was controlled by Mr. E. A. Burke, the defaulting and absconding State Treasurer of Louisiana, for whose arrest that State has offered a reward of $15,000, when the facts are,

The guessing as to the cost of the levees has been about as accurate and is as follows: In 1875, after a very careful examination by a board of engineers, they guessed the levees would cost $50,000,000 to protect the lower valley from the overflow of the Mississippi River, and nothing said as to the cost of levees for the tributaries. In 1882, the River Commission guessed the cost would be $15,000,000, in 1888 another guess was $2,000,000, and in 1890, $15,000,000 more, after fully $25,000,000 had been spent on the levees since 1882, and fully $10,000,000 from 1875 to 1882, and after all that the last overflow found the water higher at many places than ever before, with great destruction of property and some loss of human life, which, according to the reports of the River Commission, was done with only 4 miles of breaks in the levees, the repairing of which, at a liberal estimate, would not be $200,000, and the same time they are now asking for these millions more for the levees.

Those engineers now tell Congress and the country that the long looked for and wonderful scour of the bottom has commenced and that in consequence of which the flood line will gradually lessen until there will be no need of levees.

Now, if this be the case, will not some Senator who may feel some interest in the tax-payers of this country try and find out what they want with this money when the river and harbor bill comes up in the Senate? It may be that a new levee is contemplated as the bed for Judge Steel and Mr. Rice's railroad.

Were school boys to come before their teacher with such guessing on any problem as have those engineers come before Congress, they would be put on the dunce block for correction or sent home as incurable imbeciles.

If that is the way hydrographic engineering is taught at West Point Congress had better get a new set of books and teachers or abolish that institution altogether; if not that, confine them to and within their fortifications and let the civil engineers of the country have a chance at all other kind of work when backed by men of capital on the plan of *no cure no pay*.

With the above facts the people of the whole country, and most especially in the Northwest, where the cost of transportation on their grain leaves nothing for the producer, will have the right to ask their Senators and Representatives why the following proposition, offered as an additional section to the river and harbor bill, was rejected:

A bill to improve the low-water navigation of the lower Mississippi River, to stop overflows, and for other purposes.

Whereas the permanent improvement of the navigation of the Mississippi River and its tributaries and the prevention of the great damage occasioned by the destructive overflows are matters of great interest to the nation and of paramount importance to the States drained by this vast system of waters, and should be cared for by Congress: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John Cowdon and such others as may be hereafter associated with him, or his and their assigns, be, and they are hereby, authorized, on the conditions and terms herein set forth, at their own expense, to construct an outlet for the flood-waters of the Mississippi River, from a point about ten miles below the city of New Orleans, to the Gulf of Mexico, through Lake Borgne, on such lands as they or any of them may own or acquire, such outlet to be not less than one mile in width, with an average cross-sectional depth of ten feet below Gulf level, and of sufficient capacity to discharge the flood-waters of the Mississippi River at that place and to be provided with proper levees or embankments from river to the lake to preserve the lands immediately above and below it from inundation.

That as compensation for right of way for the land acquired, either by condemnation or purchase, and used in the construction of said outlet, and for the work

and labor and expense of constructing the same, and for the reclamation and protection of the greater portion of the seventy million acres of valley lands of the Mississippi River and its tributaries from overflow, and for the permanent improvement of their navigation and also for opening up of a new and improved commercial communication with Mobile, Pensacola, and all Eastern Gulf ports, John Cowdon and his associates, as aforesaid, or his and their assigns, shall receive from the United States, and shall be paid five hundred thousand dollars per foot, and ratably for each fractional part of a foot that the flood-line of the Mississippi River shall be lowered by the Lake Borgne outlet at the city of New Orleans, mouth Red River, Vicksburg, mouth Arkansas River, Helena, Memphis, and Cairo, within sixty days after the outlet shall have been opened, the greatest difference to be determined by reference to the stage of the water on the water-gauges kept by the Government officers at or near the city of New Orleans and the above-named places, and before any natural fall of the Mississippi River at Cairo, notes to be taken just before the outlet shall be opened and also within sixty days thereafter by a board composed of five persons, three of whom shall be appointed by the President of the United States and two by the said John Cowdon or his legal representatives, as aforesaid, all of whom shall be hydrographic engineers from civil life, the salaries of each of whom shall be ten dollars a day and all necessary expenses when actually engaged, and shall be paid by the said Cowdon and associates, as aforesaid, the report of whom or a majority of whom to the Secretary of War shall be conclusive evidence of the fact that the flood-line has or has not been so lowered one foot or more at any one or all of the above-named places, then the Secretary of War, upon the filing of the report of said commissioners in his office, shall, without delay, issue to said John Cowdon, or his legal representatives, his warrant upon the Treasurer of the United States for the amount of money so found due them, and the same shall be paid by such Treasurer on presentation: *Provided, however*, That should the said Secretary of War disapprove the findings of the report of the said board, he shall report the matter to the President, who shall thereupon appoint another board as aforesaid, which shall examine the said measurements and report their findings to the Secretary of War, which last report shall be final and conclusive of the matter.

That in order to further improve river navigation, should there be during the next successive and following five years an additional lowering of the flood-line of the Mississippi River at the above-named places, by other and auxiliary work of said Cowdon and associates as aforesaid, or his and their assigns, they shall be paid the same rate of compensation as above stated, measurement to be made annually and determined as in the case of the first measurements made by the same board of commissioners just after each successive high-water period.

That within three years from the opening of the Lake Borgne outlet, a navigable and practical low-water channel of ten feet in depth shall be created in the Mississippi River between Cairo, Illinois, and New Orleans, Louisiana, by the work of said John Cowdon and associates, as aforesaid, or his and their assigns, the Secretary of War shall cause to be paid to the said John Cowdon and associates, as aforesaid, or his and their assigns, the sum of ten million dollars, and also two million five hundred thousand dollars for each additional foot that the low-water channel of said river may be further deepened between New Orleans and Cairo within the next following and successive five years after the Lake Borgne outlet may be made, this to be determined by the above-named board of commissioners, measurements to be made on all shoal bars between the above-named places during or at the end of each low-water period, and, as above, the report of a majority of said board shall entitle the said John Cowdon and associates, as aforesaid, or his and their assigns, to be paid by the Secretary of War the additional amounts of money that may be found due them for deepening the low-water channel of the Mississippi River from New Orleans to Cairo: *Provided*, That the above-described low-water channel be not so created within the time above mentioned then the Government is to hold forfeited one-fourth of all the money that may become due the said Cowdon and associates under the above contract to lower the flood-line.

That the sums of money necessary to make the payments which may become due under the provisions of this act, upon a compliance with the terms thereof, are hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated.

That should any of the above-named board of commissioners resign, die, or from any cause become incapacitated from performing said duties, then the place of such person or persons shall be filled by the same authority appointing the original board of commissioners. And in case of the death of the said John Cowdon before the completion of the work herein provided for, the same shall be prosecuted and completed by his legal representatives and his associates aforesaid, with the same powers, rights, obligations, and compensation as if done by him in person.

That the Lake Borgne outlet shall be ready to open by the first day of January eighteen hundred and ninety-one, and shall be opened so soon as the water-gauge at or near the city of New Orleans shows fourteen and one-half feet above the low-water mark of the Mississippi River at that place.

That the Secretary of War be, and he is hereby, authorized and directed to carry into effect the provisions of the act, and when the said John Cowdon and his associates, as aforesaid, or his and their legal representatives, shall have fulfilled their part of the several foregoing conditions of this act, to draw his warrants upon the Treasurer in favor of the said John Cowdon and his associates, as aforesaid, or his and their legal representatives, in payment of the aforesaid amounts as they respectively become due, according to the provisions of this act.

That all laws and parts of laws in conflict herewith be, and are hereby, repealed, and this act shall take effect when approved.

In order to see who are in favor of the improvement of the Mississippi on plans that will improve, will some Senator, when the River and Harbor bill comes up, offer the above as an additional section. It makes no difference whether it be adopted or not. I want a yea and nay vote on it.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 210.

IN THE SENATE OF THE UNITED STATES.

AUGUST 12, 1890.—Ordered to be printed.

Mr. QUAY submitted the following

RESOLUTIONS:

1. *Resolved*, That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill, being bill No. 9416, and general appropriation bills; bills relating to public buildings, and public lands, pensions, and Senate or concurrent resolutions.

2. *Resolved*, That the consideration of all bills, other than such as are mentioned in the foregoing resolution, is hereby postponed until the session of Congress to be held on the first Monday of December, 1890.

3. *Resolved*, That the vote on the pending bill (House bill No. 9416) and all amendments thereto, shall be taken on the 30th day of August instant, at 2 o'clock p. m., the voting to continue, without further debate, until the consideration of the bill and amendments is completed.

O

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 211.

EXTRATERRITORIAL

CRIMINAL JURISDICTION

AND ITS

EFFECT ON AMERICAN CITIZENS.

A TREATISE BY

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EXTRATERRITORIAL CRIMINAL JURISDICTION AND ITS EFFECT ON AMERICAN CITIZENS.

INTRODUCTION.

To the Mexican-Texan Cutting case (1886) the origin of this essay is due. It aims to lay, for the first time, a scientific foundation to "Extraterritorial criminal jurisdiction." I am not aware of any international law book that had tried to solve this problem.

The mere statement of the President of the United States that our laws do not warrant the assumption of "extraterritorial criminal jurisdiction," can not save us from the consequences of that foreign assumption of "extraterritorial criminal jurisdiction," even if such statement were incontestable. Thousands of American citizens are crossing the Atlantic yearly, and visiting countries that assume "extraterritorial criminal jurisdiction." A Cutting case, translated in one of the several European languages, may, with some modifications of even a more serious form, occur on the European Continent at any time, not on account of libel, like our original Cutting case, but on the ground of other acts, on which some foreign countries specially legislated against foreigners.

We should therefore institute a search through such foreign legislation against foreigners, in order to find out not only how far we are liable to trial abroad, but to investigate whether or not such legislation be valid in view of generally acknowledged principles of international law. And should we have legitimate reason to contest such foreign legislation, we might rather do so as soon as possil le instead of waiting for the occurrence of an actual case connected with such legislation.

It must be left, of course, with the Government of the United States to institute such search. All private means would prove to be insufficient. The Government alone can succeed in securing all information necessary for that task. The Government need only to issue an order to the diplomatic representants of the United States at foreign governments for a collection of all foreign laws, concerning punishment of foreigners for offenses committed abroad.

The urgent necessity of such a search the following lines will amply prove.

A. H.

CHAPTER I.

ATTITUDE OF THE GOVERNMENT OF THE UNITED STATES.

A.—DECLARATION OF THE PRESIDENT OF THE UNITED STATES ON EXTRATERRITORIAL CRIMINAL JURISDICTION.

President Cleveland, in his message of December, 1886, to the reopened Forty-ninth Congress, in reviewing the noted "Mexican Cutting case," (that is to say, the case of the American citizen Cutting, who had been arrested in Mexico on the charge of libel committed in Texas against a citizen of Mexico), said:

The incident has disclosed a claim of jurisdiction by Mexico, novel in our history, whereby any offense committed anywhere by a foreigner, penal in the place of its commission and of which a Mexican is the object, may, if the offender be found in Mexico, be there tried and punished in conformity with Mexican law. * * * The admission of such a pretension would be attended with serious results, invasive of the jurisdiction of this Government and highly dangerous to our citizens in foreign lands; therefore I have denied it and protested against its attempted exercise as unwarranted by the principles of law and international usages.

A sovereign has jurisdiction of offenses which take effect within his territory, although connected with or commenced outside of it, but the right is denied of any foreign sovereign to punish a citizen of the United States for an offense consummated on our soil in violation of our laws, even though the offense be against a subject of such sovereign. The Mexican statute in question makes the claim broadly, and the principle, if conceded, would create a dual responsibility in the citizen and lead to inextricable confusion, destructive of that certainty in the law which is an essential of liberty.

* * * * * * *

B.—THE TWO IMPORTANT PRINCIPLES LAID DOWN IN THE PRESIDENT'S DECLARATION.

President Cleveland, thus, regarding acts committed in violation of our laws, denies the right of foreign jurisdiction in general, admitting it only where said acts, though connected with or commenced in this country, take effect in the foreign country. With other words, the President denies the right of extraterritorial jurisdiction of offense on the following two grounds:

I. The authorities of the place of the commission of the offense have the privilege of priority of jurisdiction.

II. A dual responsibility is wholly inadmissible.

On the ground of these two generally acknowledged principles the President's protest against Mexico's attitude seems to be thoroughly justified. For, libel is punishable in Texas, and the offense of libel is consummated where the libelous paper first was published. Therefore Cutting's alleged offense, if ever, should not be prosecuted outside this country, even though the alleged offense were against a citizen of Mexico, and said libelous paper, published in Texas, were circulating in Mexico. The writer or publisher of a libel, in circulating his libelous paper abroad, does not commit a second offense; circulating being the purpose of publishing, circulating and publishing are united to causal relationship. The circumference of the circulation of a malicious libel may only be regarded as a measure of the degree of maliciousness of the libeler, and, in consequence of that, referred to in limiting the punishment.

C.—CONCLUSIONS, TO THE NEGATIVE, FROM THE PRESIDENT'S TWO PRINCIPLES.

As indisputably right as are the two principles laid down in the President's message, denying Mexico's right of jurisdiction of Cutting's Texan libel against a Mexican, the logic consequences of these two principles might appear, too.

If, as we saw, the "privilege of priority," on the part of the State of the commission of the offense, and a "dual responsibility" are the two grounds for denying to a foreign government jurisdiction of foreign offenses against their citizens, *such foreign jurisdiction must be conceded, where either of those grounds is wanting;* that is to say, where—

(1) The State of the commission of the offense is prevented from or renounces exercising its privilege of priority of jurisdiction, and, thus,

(2) The objection of a "dual responsibility" is overcome.

Two cases may illustrate the foregoing conclusion:

I.

Suppose Cutting really having committed said libel in Texas, thereby injuring a Mexican citizen and being liable to punishment in either State. Suppose further, Cutting having gone or fled to Mexico and been caught there.

Now the United States claim their "privilege of priority of jurisdiction."

But Mexico might answer:

"We recognize your 'privilege of priority of jurisdiction,' *but you are not in position to exercise it.* How can you guaranty that Cutting will return into your territory? The extradition treaty between the United States and Mexico does not embrace libel case. We have no more right to extradite Cutting than you would have to demand his extradition. You being thus prevented from exercising your 'privilege of priority,'

our *secondary* right of jurisdiction, our secondary right to punish Cutting according to our laws, may take place, and by our trial Cutting's 'dual responsibility' shall cease at once."

II.

Take for granted, that the case of libel is embraced by extradition treaty, or that no treaty at all exists, and extradition, according to the theory adopted by some governments, is left with each government as a matter of comity.

(See Halleck, "International Law," and Wharton's "Digest of International Law of the United States.")

Take, then, for granted, that Mexico is ready to extradite Cutting. The United States, however, might say:

"The big expenses of extradition are not warranted either by the person concerned of, nor by the case itself. We, therefore, renounce getting Cutting extradited."

In this case, too, Mexico could "legally" proceed to trial against her prisoner Cutting.

D.—CIRCUMSTANCES NOT PROVIDED FOR IN THE PRESIDENT'S DECLARATION.

We were dealing, heretofore, with cases relating only to the President's declaration on "Extraterritorial criminal jurisdiction." It were a wholly unwarranted claim, that a message to Congress, while dealing with so many important items, should settle within so sparely limited a space of print all questions discussed in such document. It is, therefore, quite self-understanding, that the President's declaration is far from exhausting the subject-matter. The President, in denying to any foreign sovereign the right of extraterritorial criminal jurisdiction, had in view only foreign jurisdiction of acts committed in this country *in violation of our laws.* In denying, by very strong reasons, to any sovereign the right of assumption of such jurisdiction, the President did not need expressly to declare, that, *ex fortiori*, his denial includes foreign jurisdiction of American acts *not punishable* by our laws. The President did not need expressly to declare it, because it is held a general rule, that no criminal responsibility can be stated for a deed not infringing on the penal laws of the place of its commission; with other words, "criminal responsibility is cohesive to statutory provision." (Wharton, Criminal Law)

Would Cutting, for instance, have been satisfied with *slandering* in Texas that Mexican, with calling him a robber, a murderer, etc., instead of *libeling* him, the Government of the United States might have interfered with Mexican criminal proceedings against Cutting—provided that slander be in Mexico, like in Europe, the same criminal offense as is libel —on the ground that slander in this country warrants only *civil* suit

but no criminal jurisdiction at all, and, indeed, the less of a foreign government than of the authorities of this country.

Some other cases in addition to slander may be imagined that, contrary to foreign criminal legislation upon them, can be settled in this country by *civil* suit only, or that are even not subjected in this country to any legal proceedings at all.

In all such cases the denial of any right whatever of foreign government to assume extraterritorial jurisdiction would seem a "matter of course."

And yet, we should remember that millions of people are sometimes divided in their opinions as to what may be a "matter of course." Perhaps those countries that assume extraterritorial criminal jurisdiction might be able to defend the course they took by some reasons which should appear a "matter of course," too. Perhaps that foundation of extraterritorial criminal jurisdiction might show some instances warranting even that principle of "cohesion of responsibility and local statutory provision" to be overruled in certain cases by a *higher principle common to all mankind.* Perhaps it might be proven that the non-disallowance of an act in one state *is by no means an obligation to other states to allow themselves to suffer from those acts.* Perhaps it might be proven that a right of extraterritorial criminal jurisdiction could be maintained (irrespective of and without prejudice to the acknowledged two principles adopted by our Government) by a *principle suspending all ordinary laws.*

We should, therefore, not only declare why we are disinclined to recognize any right of extraterritorial jurisdiction, but we shall have to answer the other party, why their reasons for assuming extra-territorial criminal jurisdiction, as far as not defeated by the two principles laid down in the President's message, should not be sustained.

E.—RESTRICTIONS AS TO THE CONCLUSIONS FROM THE PRESIDENT'S DECLARATION.

The President, in concluding the discussion of the Cutting case, says:

> Whatever the degree, to which extraterritorial criminal jurisdiction may have been formerly allowed by consent and reciprocal agreement among certain of the European states, no such doctrine or practice was ever known to the laws of this country or of that, from which our institutions have been mainly derived.

We shall see, hereafter, in Chapter II, D, that this statement of the President must be conceived "*cum grano salis.*" For we have to distinguish extraterritorial criminal jurisdiction *at large* from extraterritorial criminal jurisdiction *under the authority of international law.* The assertion of the President, that "no such doctrine or practice was ever known to the laws of this country," should be *restricted* to "extraterritorial criminal jurisdiction *at large.*" That is to say, the United States, indeed, wisely refrain from assuming extraterritorial criminal jurisdiction of offenses, *that do not touch this country*, but they, more

wisely, assume jurisdiction of certain extraterritorial offenses, *that affect this country or mankind in general.* They assume such extraterritorial criminal jurisdiction *under the authority of international law*, as we shall see in Chapter II, D.

We do not decide here whether that Mexican law on foreign libel comes under "extraterritorial criminal jurisdiction *at large*," deservedly denied by the United States, or under "extraterritorial criminal jurisdiction under the authority of international law," as practiced by the United States themselves. We indicate here the possibility only of the President's denial of "extraterritorial criminal jurisdiction" proving insufficient as to that Mexican statute, should it be shown that the Mexican statute is founded on the same principles of *international law*, from which the United States' legislation on foreign offenses arose, which we shall have to deal with in Chapter II, D.

Before going into the details of this investigation, we have to draw the *foundation of extraterritorial criminal jurisdiction*, to state its origin and circumference, measured by the sound extraterritorial laws of *the United States.*

CHAPTER II.

FOUNDATION OF "EXTRATERRITORIAL CRIMINAL JURISDICTION."

A.—GENERAL VIEW. ORIGIN AND AIM OF TERRITORIAL CRIMINAL LEGISLATION.

The best way of stating the principles of *extra*territorial criminal jurisdiction is to explain the origin and aim of *territorial* criminal jurisdiction.

We issue penal laws and punish crimes for *our self-defense* and for the *prevention of acts annihilating* our safety.

Self defense is the *cause* and *prevention of crimes the aim* of criminal legislation.

But as we are confident that all civilized nations are interested alike in punishing acts destroying the safety of mankind, and as it is rather impossible to watch over the whole world, we satisfy ourselves with legislating on crimes committed *on our soil.* And so all other nations do. *Hence the general understanding, that crimes, in the legal sense, are local.*

We confine, therefore, punishment of murder, etc., to such acts committed within our acknowledged jurisdiction, not because we believe murder committed within foreign jurisdiction to be a harmless deed, or an act not disallowed, but because we are sure that all civilized nations take similar precautionary steps against such crimes as we do. Should we once learn that a state, supposed to be civilized, omitted or abolished laws punishing capital crimes, the United States certainly would resolve to resort to preventive measures against visitors from such state, and so make a murder committed there indictable in this country, should the perpetrator reach our shores. *We should do so, because we could not consider that state any longer a civilized one.*

In that case we may assume *extra*territorial criminal jurisdiction according to the *law of nations.*

The understanding, that crimes are local, is valid as to *civilized* territories only, but not as to uncivilized ones.

It is of no matter whether there be a slight difference between the states as to the *degree* of the gravity of a certain crime; the essential point that reassures us is the conscience, that, as to capital crimes and grave offenses, all civilized nations feel in their own behalf the same necessity of legislating in some efficient way.

With this understanding, and in order to *avoid inextricable confusion*, the states of the world confined, in general, their criminal legislation to the territory of their own, *save some exceptions allowed by international law*, the common law of nations.

We shall have now to explain how far the law of nations indulges in such exceptional extraterritorial jurisdiction.

B.—EXTRATERRITORIAL CRIMINAL JURISDICTION AS FAR AS IN ACCORDANCE WITH INTERNATIONAL LAW.

If our argumentation that—

(*a*) The origin and aim of criminal legislation at all are "self-defense and safety;"

(*b*) The understanding of territoriality of criminal jurisdiction of a state is valid towards civilized nations only—

If that our argumentation be right, it would follow that international law grants to every state, in which the law of nations is a part of the law of the land, *the right* to legislate on *extraterritorial* criminal jurisdiction.

A*a*.—In behalf of the state (according to B *a*.)

B*b*.—In the interest of mankind (according to B*b*.)

C*c*.—On mutual consent of the states (according to B*a* and *b*.)

A*a*.—IN BEHALF OF THE STATE.

We contend that we are entitled to legislate on extraterritorial jurisdiction on account of the *self-defense* and in behalf of the *safety* of the state towards other states; that is to say, to provide for punishment of *foreigners' foreign offenses* against the safety, the order, and the peace of our state: *Provided, of course, that such legislation be not at variance with the similar necessities of other states abiding under the protection of the same law of nations.*

B*b*.—IN THE INTEREST OF MANKIND.

We contend that we may assume, in the interest of mankind, a *triple* extraterritorial criminal jurisdiction differing—

(1) As to the *place* of commission of offense;

(2) As to the *nature* of offenses;

(3) As to the quality of *persons*.

(1) *As to the place of commission of offenses.*—We all know that we may assume extraterritorial criminal jurisdiction over *places where no other civilized authority yet exists*, as in certain lands of barbarous or half-barbarous tribes or nations; over places, where on account of the place being *common property of mankind*, no special jurisdiction of a special state can be established at all, as on the *high seas*.

(2) *As to the nature of offenses.*—We may assume extraterritorial criminal jurisdiction over *offenses against the law of nations*, as *piracy*, *slave-trade*, *breach of neutrality*, etc.

(3) *As to the quality of persons.*—We may assume extraterritorial criminal jurisdiction over the *officers*, and partially over the *subjects*, of the state, wherever they may be.

Cc.—ON MUTUAL CONSENT OF THE STATES.

We extend the criminal jurisdiction of the state to such extraterritorial places as were conceded by mutual consent in each state to other states for jurisdiction, as the *office of the diplomatic representant* and *public vessels in foreign countries*, this being mainly an emanation from the mutual comity of the states granting

(α) Exemption from detention to sovereigns of foreign states;

(β) Immunity to foreign ministers;

(γ) Immunity to troops which a sovereign allowed to pass through his dominion.

These three species (A*a*, B*b*, C*c*) of extraterritorial criminal jurisdiction may be referred—

The I species (A*a*, safety of the state) to *necessity*,

The II species (B*b*, interest of mankind) to *utility*,

The III species (C*c*, mutual consent) to *commodity*.

And by these three species or classes all extraterritorial criminal jurisdiction, as far as *warranted by international law* and harmonious with the general principles of *territorial* jurisdiction, is exhausted.

It remains for us now to explain in detail those three classes of extraterritorial criminal jurisdiction *under the authority of international law*, and to support them by reasons additional to those shown by the derivation itself of "*extraterritorial* criminal jurisdiction" from *territorial*.

And herewith we shall try to find out *how far the United States made use of their right of assuming "extraterritorial criminal jurisdiction" under the authority of international law.*

C.—THE THREE CLASSES OF "EXTRATERRITORIAL CRIMINAL JURISDICTION UNDER AUTHORITY OF INTERNATIONAL LAW."

1—FOR SELF-DEFENSE AND SAFETY OF THE STATE.

(α) *The principle itself.*

The right of self-defense is a well-recognized law of nature, against which all protests prove a failure every time. And as we grant the right of self-defense to individuals, we shall have to concede it so much the more to the state, that great combination of individuals. But this right of self-defense of the state were an illusory one should it remain restricted to offensive acts committed within the borders of the state.

If self-defense be not disallowed at all, we shall have the right to

defend our safety *against whatever offender from whatever direction.* If self-defense and safety of the state are cause and aim of *territorial* criminal legislation, self-defense and safety must be sufficient reasons for *extraterritorial* criminal legislation, too, providing for punishment of foreign offenses against the safety, the peace, and the order of the state.

(*b*) *Special reasons supporting the principle.*

(*α*) *No duty without right.*—By international law every state is bound to prevent by state law its citizens from committing acts of overt hostility against other States. This duty implies the right of the state to provide also for its protection against hostilities from subjects of other states.

(*β*) *International law of England as well as of the United States* recognizes the excusability of a state intruding, in cases necessary for self-protection, on the territory or the waters of a foreign nation.

The celebrated Sir R. Phillimore, in his commentaries on international law, says:

> The right of self-protection is prior and paramount to that of territorial inviolability.

And Prof. Francis Wharton, in his Digest of International Law of the United States (see § 50) says:

> When there is no other way of warding off a perilous attack upon a country, the sovereign of such country can intervene by force in the territory from which the attack is threatened, in order to prevent such attack.

Now, if a state has the right to intrude for self defense on a foreign *territory*, it has *a fortiori* the right to provide for punishment of foreign offenses against the state, should the offenders be caught *within* the state.

More explicitly: If warding off a threatened foreign attack warrants *intrusion* on *foreign* territory, such warding off must be allowed to the threatened state *on its own soil* so much the more.

(*γ*) *Conception of ideal consummation.*—There may be remarked in criminal law a certain class of offenses, as to the "consummation" of which the notion is disputable, to wit: foreign offenses against the safety, the order, and the peace of the state. If we commit an offense against the safety, etc., of a foreign state, the *results of our acts are intended to take effect in that foreign state;* thus our offense, although *technically* consummated in the territory of the perpetrator, may be considered as *ideally* consummated in that foreign country. Such interposition of ideal consummation for the technical one is no novel point at law. (But see "Restrictions," sub. (*d*) page 16.)

Connected with this theory, or rather dependent on it, is the theory of—

(*δ*) *Intraterritorial liability of extraterritorial principal and accessory.*—The latter theory was exhaustively dealt with by Professor

Wharton in "Treatise on Criminal Law," §§ 278 *seq.*, and supported by numerous instances.

(*c*) *Extension of the principle.*

As to the right of self-defense of a state, it is no matter whether that self-defense of a state against foreign offenders be confined to offenses against the state *itself*, to wit: its constitution, its independency, its seal, its lawful money, or be extended to offenses against the *citizens* of that state. As the state is composed of citizens, and the latter, with their government representing them, constitute the state, such state may justly extend its right of self-defense to the defense of its citizens and provide for their protection against injury, as well as for protection of the state itself.

From this point of view—though strange it may seem to English-American practice—that noted *Mexican* statute on *foreign libel* hardly could be contested. Professor *Wharton*, in his alleged "Treatise on Criminal Law," brings the case of *foreign libel under* "*Liability of extra-territorial principal;*" but there is no need to call for a *secondary* reason, while foreign libel may be put under the *main principle* of *self-defense of the state or its Citizens.*

Such legislation, like the alleged Mexican one, seems to be of course somewhat fribble, and a really great country never probably would take such a troublesome step to call for account a foreign libeller and to waste the time with such trifling. But that Mexican statute, like some other and much coarser strangeness, is a "legal" one.

Moreover, the most European states do *not go so far* as Mexico does. Especially Germany and France do *not* include foreigners' foreign libel in their provisions against foreigners' foreign offenses.

(*d*) *Restrictions to the Principle.*

Self-defense, like all other rights, has its limits, for exceeding of which we are to be held responsible. We are not allowed, for instance, to shoot at a boy for throwing us with snow-balls; nor to keep, for the sake of our safety, a dog assailing passers-by, or bellowing up the sleeping neighborhood night by night.

We recognize only *justified* "self-defense."

In this connection a state can not complain of "foreigners' foreign offenses" against the peace, the order, and the safety of the state, if the acts complained of were committed in the *legitimate use of the constitutional or legal rights of such foreign state*, or in *behalf of its constitutional liberty.* In this case the right of self-defense belongs to *both sides alike*, and no party can be punished by the other one. A state can not extend its punishing right of self-defense—in behalf of the peace, the order, and the safety of the state—to a degree of outrage, to wit, to a degree of *interference with the right of self-defense of* ANOTHER state.

This matter will be amply covered by our chapters IV and V, dealing with French and German legislation on "foreigners' foreign offenses against the state."

2.—IN THE INTEREST OF MANKIND.

(α) *As to places (uncivilized lands and high seas):*

From the understanding between all civilized nations that each and every one restricts, in general, criminal jurisdiction to their *own* territory, in order to not aimlessly interfere with other nations' jurisdiction, the point of view arises, that every state may extend its jurisdiction to such places as—

(α) Are *not* yet covered by jurisdiction of any special state; or

(β) Can not be covered at all by jurisdiction of any special state.

Such places are—

(α) Unsettled and uncivilized lands;

(β) The high seas, common property of mankind.

Support to the argument.

(α) The aim of extraterritorial jurisdiction in uncivilized lands and on the high seas is, *first*, to protect our citizens sojourning at such places. "As far as a state can protect itself, so far its jurisdiction extends" (Kent).

The *second* reason is, to *promote humanity in the world*, to lend protection to human beings wanting the blessure of safeguard of a national law at those places.

Either of these reasons is sufficient to warrant to any state the assumption of extraterritorial jurisdiction. Practice, however, secured general recognition to extraterritorial criminal jurisdiction on the *high seas* far earlier than to extraterritorial criminal jurisdiction over *uncivilized lands.*

"It is generally conceded that *subjects* should be held responsible to the courts of their country for offenses committed in barbarous or unsettled lands" (Wharton's Criminal Law, § 271), while not all authorities are of the opinion that "any government may assume jurisdiction over offenses committed in solitudes, as in cases of crimes committed on the solitudes of ocean." (Sentence of a judge of the New Jersey supreme court, quoted in Wharton's Criminal Law).

According to our sytem, laid down in part B3 of this chapter, *subjects* are responsible to the state of their allegiance *everywhere*, including barbarous and unsettled lands. The lack of general recognition to the right of the state to assume extraterritorial criminal jurisdiction over offenses committed in barbarous and unsettled lands is probably less due to a denial of the *principle*, but to *commodity*. For as it is apparent that an uncivilized land, after having been settled upon by subjects of one state will soon exercise some attraction for settlement to citizens of other states, too, the state of the first settlers chooses to confine its jurisdiction in that uncivilized land to its own subjects from the mere

aspect, otherwise to be harassed by innumerous conflicts with that mixed population, rough in their habits, as first settlers sometimes are. It is quite a policy of prudent judiciousness. The mother state of the first settlers dislikes to be intricated in collisions with all other states by the differences of those inhabitants of adventurous fore-life, differences either between each other or between the civilized population and the natives. But this policy of safe prudence should not be regarded precedentially a prejudice to the *principle* of the *right* of the state to assume extraterritorial criminal jurisdiction over unsettled and uncivilized lands, where no jurisdiction of any state yet exists.

(β) This principle is valid, so much the more, as to such barbarous or unsettled lands, as are not even inhabited by any civilized people, nor recognized by treaty with any state.

(γ) An offspring of that principle is the consular judiciary system in remote states, though civilized, but far inferior to our civilization.

(δ) Jurisdiction of all states over the high seas had been crystallized in the theory that a ship at sea is regarded in international law as a portion of the state the flag of which she bears; and the consequence of this generally acknowledged theory is, that "crimes committed on board a ship on the high seas are triable only by the authorities of the country to which she belongs;" no matter whether it be a public ship or a merchant vessel. (With some exceptions [1, As to offenses against international law; and, 2, As to merchant vessels within the marine belt, the port, etc.;] we shall have to deal below).

(*b*) *As to the nature of offenses.* (*Offenses against international law.*)

Dependent upon the theory, stated in § 2 of this chapter, is the general rule of international law, that an offender against international law, on account of being an enemy to mankind, may be punished by any state getting first hold of him.

"Offenses against the law of nations, wheresoever and by whomsoever committed, are within the cognizance of the judicial power of any state." (Halleck and other text-writers.)

(*c*) *As to persons.* (*Subjects everywhere.*)

Every state may assume extraterritorial criminal jurisdiction over its subjects irrespective of their place of sojourning. The reason of that international understanding seems to be this: A person sojourning at a foreign country, without being naturalized there, may, after some time, change his place of residence again, emigrate to another country, and finally return to his mother country. Such emigrants, belonging to the "floating population," easily could escape every responsibility for foul deeds committed abroad should they be thought separated from their original allegiance to the laws of their mother country, while living abroad as unnaturalized foreigners. In traveling between countries not provided with extradition treaties, said people would

enjoy full immunity, could they not be held, at least, responsible at home, for their acts committed abroad. A subject of the state remains, therefore, subject to its laws, as long as he did not renounce allegiance to that state in behalf of another one. And, likewise, as a good family takes care that its children, when on a visit, behave themselves, so a state is bound by honor and self-respect, to provide that its subjects, when abroad, don't commit an act that would be indictable, when committed at home.

Germany, for instance, goes so far as to punish Germans for violently resisting *abroad* a foreign public officer, while the latter is on duty.

Germany punishes in general, Germans for committing offenses in foreign countries, when such offenses were punishable as well by the laws of the place of commission as by German law, provided the case was not yet settled (*a*) by acquittal in that foreign country, or (*b*) by punishment as pronounced by that foreign court, or (*c*) by pardon in that foreign country, or (*d*) by statute of limitation of that foreign country, or (*e*) by omission, on the part of the injured party to file a petition, should such initiative be necessary in that foreign country for entering suit. See §§4, 3 and 5 of the German penal code.

And in compensation thereof, Germany, by §§9 of her penal code declares:

"*A German shall not be extradited to a foreign government for prosecution or punishment.*"

If a German committed a crime abroad and returned then to Germany, he can not be extradited, but he will be prosecuted in *Germany*, and tried on the face of the evidence, furnished by any foreign government and produced or legalized by the foreign German diplomatic or consular service.

If some countries do not assume extraterritorial criminal legislation over their subjects abroad to a large degree, their attitude is guided by the belief, that all civilized countries are interested alike in punishing offenses; they refrain from extending their jurisdiction, in general, over subjects abroad, because of their surety that their subjects abroad would be punished abroad, should they commit there an offense; and in the worst case "extradition" may help such subject to deserved punishment, should he escape justice for a time.

But we should not rely on extradition; first, because that matter lies everywhere in a wholly unsettled shape; and second, because the high expenses of extradition seldom warrant such course.

The necessity of assuming, on the part of the state, extraterritorial criminal jurisdiction over its *subjects* abroad, may appear from the following:

If a fugitive from justice, a subject of the State A comes into the State B, the sovereign of State B has at least the right, should he deem it necessary or advisable, to expel such foreign fugitive, and so the possibility of the fugitive going back to the place of commission of offense

can be assumed. But if that fugitive from justice, escaping from State A to State B, is a subject of the latter State, his sovereign can not (for instance, not if the latter State B be Germany, as was shown above) under existing laws extradite him, nor could his sovereign—according to the laws of many states—expel him. Thus, if State B did not assume extraterritorial criminal jurisdiction over its subjects abroad, such subjects of State B would be, in fact, in possession of a charter of immunity abroad, provided they were skillful or smart enough to escape justice and leave the country where they committed the crime and return to their mother country.

If the fugitive from justice, whose extradition can not be effected—either on account of lack of treaty or on account of the big expenses—is a subject of the state, on the soil of which the crime was committed, that fugitive damaged or injured his *own* country, and such country must acquiesce in the loss by her subject. But it is a strange insinuation that a state should be forced into suffering from injury by an *alien* escaping justice. The question may therefore be raised, if it were not opportune, to convert the *right* of the state of assuming extraterritorial criminal jurisdiction over *subjects*, into *international duty*, especially of those states denying extradition of subjects.

Such duty could, of course, be only a secondary one, that is to say, the state should assume jurisdiction over offenses committed by subjects abroad, only in the case where the "privilege of priority" of the state, in which the crime was committed, can not be exercised, and under restrictions similar to those shown in the German statute quoted above (page 19).

To those denying the right of extraterritorial criminal jurisdiction over subjects at all and at any rate, the following remarks are directed:

It is generally held that a state is bound by honor and duty to *protect* its subjects abroad. This duty of protection implies, as a compensation thereof, the right of calling for account the protected ones if they turn offenders. No duty without right, and no right without duty. Protection on the one side means allegiance on the other side. The state's criminal jurisdiction over *subjects abroad* can not be defeated by any shadow of judicial argument.

3. ON MUTUAL CONSENT OF THE STATES.

(*a*) Diplomatic representatives.

(*b*) Public vessels.

As to this part of extraterritorial criminal jurisdiction a wide difference of opinion exists between certain states.

In general, extraterritoriality is granted to diplomatic representants (including the secretary of legation) and public vessels.

But some countries, as *Germany*, exempt from the right of extraterritoriality the *residence* of foreign ministers. (See sentence of the German supreme court 20, November, 1880, Crim. Decisions 3, 70.)

On the other hand, some countries, as Belgium, often try to secure to their *merchant* ships, while in foreign harbor, the right of extraterritoriality, generally accorded to *public* vessels only.

The United States, however, in both alleged cases, take the opposite ground. They concede extraterritoriality to the residence of foreign ministers and deny it to foreign merchant vessels in American harbor, marine belt., etc.

D.—LEGISLATION OF THE UNITED STATES IN BEHALF OF "EXTRATERRITORIAL CRIMINAL JURISDICTION UNDER AUTHORITY OF INTERNATIONAL LAW."

Aa.—PRESIDENT CLEVELAND'S MISTAKE.

The United States made, indeed, a very *moderate* use of their right awarded by international law, to legislate on foreign offenses, especially on foreign offenses against the "safety, order, and peace of the state," (Union). But at all means that legislation of the United States is a sufficient proof of their *full acknowledgment of the principle itself*, that the state is entitled to protect itself against foreign injury, and that, to a certain degree, *international law warrants extraterritorial criminal jurisdiction.*

When President Cleveland in his message to Congress (see chapter I, page 10) asserted

> Whatever the degree to which extraterritorial criminal jurisdiction may have been formerly allowed by consent and reciprocal agreement among certain of the European states, no such doctrine or practice was ever known to the laws of this country, or of that from which our institutions have been mainly derived.

he was *greatly mistaken. The Revised Statutes of the United States exhibit lots of cases of legislation for extraterritorial criminal jurisdiction*, as will be shown in the next division.

Bb.—LEGISLATION ON EXTRATERRITORIAL CRIMINAL JURISDICTION TO BE FOUND IN THE REVISED STATUTES OF THE UNITED STATES.

1.—*For self-defense and safety of the state.*

SEC. 5353. "*Every person* who, knowingly, transports or delivers or causes to be delivered nitro-glycerine or powder mixed with oil, on board any *vessel or vehicle* whatever, employed in conveying passengers by land and water *between any place in a foreign country* and any place of the United States, shall be punished," etc. Section 5354 fixes the punishment for the case in which such transportation of explosives had caused the of death a person. Section 5355 defines the manner in which transportation of explosives is allowed.

Said section 5353 is a first-class proof of assumption by the United States of extraterritorial criminal jurisdiction over foreign offenses against the safety of the state and its citizens.

The word "transport" can, indeed, be construed so as to refer to an

act consummated in this country, and so can the words "causes to be delivered," but "*delivering* explosives *on board* a vessel or vehicle" conveying passengers "between a *foreign* country and the United States" means, without any doubt, an act committed *abroad*, an act committed on *foreign shores, from which the vessel started*, especially when such vessel was a foreign merchant ship, bearing the flag of a foreign country; and "*delivering*" explosives on board a vehicle, conveying passengers between "a foreign country and the United States," means the staying of such vehicle, at the time of delivering the explosives, *on foreign soil.*

An offense against section 5353 thus is punishable when committed *abroad* as well as when committed in the United States, irrespective of the offender being a subject of this or of the foreign country; section 5353 deals with "*every person.*"

"Delivering" explosives, f. i., on board the *Alaska* at Liverpool, England, or at a depot of a Mexican railroad centering at the American border, is punishable in this country according to section 5353, save the "privilege of priority of jurisdiction" on the part of Great Britain or Mexico, should it be claimed by them.

Had it been the intention of the legislator to confine punishableness of "delivering" to an act committed within this country, section 5353 would read as follows:

"* * * conveying * * * *between any place of the United States* and any place of a foreign country," and not "*between any place of a foreign country* and any place of the United States."

At any rate section 5353 is to be construed so as to include a foreign merchant ship, while lying at a foreign dock and preparing to start for the United States.

(Moreover, see Wharton, Crim. Law, on "Liability of extraterritorial principal," as indicated on page 15.)

2.—*In the interest of mankind.*

(*a*) *As to places.*—(*a*) *Half-civilized, uncivilized, and unsettled lands.* Sections 4083–4087 devolve judicial authority on American ministers and consuls in certain non-Christian countries (China, Japan, Siam, Egypt, Madagascar) where American citizens live. "Such jurisdiction shall embrace all controversies between citizens of the United States or others, provided for by such treaties, respectively." (4085.) "Jurisdiction in both criminal and civil matters." (4086.)

Section 4088 devolves the same power on United States consuls and commercial agents in countries not inhabited by any civilized people or recognized by any treaty with the United States; they have the right to try misdemeanors, and in civil cases the power of a justice of the peace in the United States.

Sections 5570–5578 declare the claim of the United States to any island, rock, or key on which a citizen of the United States discovered

a guano deposit, and which was not within the lawful jurisdiction of any other Government, and not occupied by citizens of any other Government.

(3) *On the high seas.*—5339. Every person who commits murder—

First, within any fort, arsenal, dock-yard, magazine, etc., under the exclusive jurisdiction of the United States;

Second, or *upon the high seas,* etc., within the maritime jurisdiction of the United States and out of the jurisdiction of any particular state;

Third, or who upon any such waters maliciously strikes, stabs, wounds, poisons, or shoots at any person, of which such person dies, shall suffer death.

Nearly the whole Chapter III (sections 5339–5391) deals with "crimes arising within the maritime jurisdiction;" but section 5344, dealing with officers or owners of vessels, through whose misconduct, negligence, etc., life is lost, *is not confined to the maritime jurisdiction of the United States* as defined by section 5339; though sections 5341, 5342, and 5345 are expressly referred to section 5339; and the same, as with section 5344, is the case with sections 5363–5367.

(*b*) *As to the nature of offenses.* (Offenses against international law.)—Offenses and crimes against *international law* are embraced by the criminal statutes of the United States Revised Statutes, according to the Constitution of the United States, Art. I, sec. 8, which bestows on Congress the power to legislate on crimes against international law. Such legislation (on piracy, etc.) we find in sections 5323–'24 and 5368–'76.

(*c*) *As to persons* (subjects abroad).—Section 5382 deals with citizens voluntarily on board a foreign slave-trade vessel. Fine not more than $2,000, and imprisonment not more than two years.

Section 5331. Every person owing allegiance to the United States, who levies war against them, or adheres to their enemies, giving them aid and comfort within the United States *or elsewhere,* is guilty of treason.

"Every person owing allegiance" means those non-citizens, too, who declared on oath to become citizens, and to have renounced allegiance to their former sovereign.

Section 5335. Citizens' intercourse with foreign Government to the intended detriment of the Government of the United States, is punishable. "Every citizen of the United States, whether actually residing or abiding within the same *or in a foreign country,*" etc.

(3) *On mutual consent.*

Section 1750. Every secretary of legation and consular officer is hereby authorized to administer to or take from an person an *oath,* affirmation, affidavit, or deposition. If *any person* shall willfully and corruptly commit perjury, such offender may be charged, proceeded

against, tried, and convicted, and dealt with in any district of the United States, as if such offense had been committed in the United States.

This statute, evidently emanating from the extraterritoriality of legacy, is *the strongest proof of the fact that the United States, in certain cases, assumed the right of extraterritorial criminal jurisdiction.* Though the person of the consular officer be not, like the secretary of legation, entitled to extraterritorial rights, the seal of the state, held by him, makes those abusing it by perjury or forgery, *indictable extraterritorially.*

From these quotations it will appear that President Cleveland gravely mistook in declaring that "no such practice or doctrine (that is to say, extraterritorial criminal jurisdiction) *was ever known to the laws of this country.*"

CHAPTER III.

FRENCH AND GERMAN LEGISLATION ON FOREIGNERS' FOREIGN OFFENSES AGAINST THE STATE.

A.—TEXT OF THE MAIN LAWS.

1.—FRENCH LAW.

Section 7 of the French "Code d'Instruction Criminelle" (Code of Criminal Proceedings) reads as follows:

A foreigner, who in a foreign country shall commit, either as a main culprit or as an accomplice, *a crime against the safety of the state* or the *crime of counterfeiting* either the seal of the state or national money or national certificates or bank notes issued under the authority of the law, shall be prosecuted or tried according to the provisions of French law, should that person be arrested in or surrendered to France.

2.—GERMAN LAW.

Section 4 of the "Strafgesetzbuch für das Deutsche Reich" (Penal Code of the German Empire) reads as follows:

Crimes and offenses committed in a foreign country shall, as a rule, *not* be prosecuted.

But there may be prosecuted, according to the Penal Code of the German Empire:

(1) A German or a foreigner who, in a foreign country, committed—
  (*a*) An *act of high treason* against the German Empire or a Federal State, or
  (*b*) The crime of counterfeiting, or who
  (*c*) As an official of the German Empire (or of a Federal State) committed an act that is to be considered an offense of an officer while on duty.

(2) A *German* who, in a foreign country committed an act treacherous to the German Empire (or a Federal State) or a slander or libel against a German Federal Sovereign.

(3) A *German* who, in a foreign country, committed an act punishable according to the laws of both Germany and that foreign place of commission.

B.—SYNOPSIS OF THE FRENCH AND GERMAN LAWS.

FRENCH LAW	GERMAN LAW
On extraterritorial criminal jurisdiction of foreigners' foreign acts comprises:	
(*a*) *Political offenses.*	
Crimes, *against the safety of the state.*	*Acts of high treason.*
(*b*) *Counterfeiting.*	
Counterfeiting the *seal of the state* or *French money.*	Counterfeiting *whatever* money.
(*c*) *Official offenses.*	
	Offenses of an officer while on duty.

C.—CRITICISM.

I.—FRENCH AND GERMAN LAWS ON FOREIGNERS' FOREIGN POLITICAL OFFENSES

(*a*) *French law.*

France punishes foreign *crimes against the safety of the state* (see p. 25). Those crimes are defined in the "Code Pénal" (criminal code) section 75 *seq.*, and divided into "crimes against the *exterior* safety of the state (sections 75–85), and "crimes against the *interior* safety of the state" (section 86 *seq.*). We shall deal with them in the next chapter (IV).

(*b*) *German law.*

Germany, to the contrary, punishes only *foreigners' foreign acts of high treason;* that is to say, only crimes against the *interior* safety of the state. An "act of high treason" means in German law "Hochverrath," while crimes against the *exterior* safety of the state are termed in German law "Landesverrath" (acts treacherous to the country). The latter crime, if committed abroad, is punished only if perpetrated by a *German* (see p. 26, and sections 4–2 of the German Penal Code). The reason thereof we shall see later. But though Germany exempts foreigners' foreign "treacherous acts to the country" from punishment in general, she reserves to herself the right to deal in another way with such foreigners' foreign "acts treacherous to the country," as warrant the *usage of war* to take effect, dispensing with the ordinary law, as we shall see below.

German law on "high treason" is defined by sections 80–86, and German law on "acts treacherous to the country," by sections 87–93 of the German Penal Code.

II.—FRENCH AND GERMAN LAW ON FOREIGNERS' FOREIGN COUNTERFEITING.

(*a*) *General distinctions.*

France punishes foreigners' foreign counterfeiting—

(α) The seal of the state.

(β) Lawful *French* money.

Germany punishes foreigners' foreign counterfeiting whatever money, not only German one; this was expressly declared by the preamble to the German Penal Code, page 15.• The reason of that declaration is rather clear; the citizens of the state might be defrauded with counterfeited foreign money as well as with counterfeited German money. Germany thus extends her extraterritorial criminal jurisdiction not only to crimes *intended* to take effect in Germany, but even to such as might, perhaps, touch Germany in their effect.

(*b*) *Position of the United States towards those laws.*

Counterfeiting the seal of the French state comes, in some way, under the general provisions against falsifying documents, with intent to defraud the United States (section 3422, Revised Statutes of the United States). Counterfeiting foreign money was provided for, as well as counterfeiting domestic money, by penal statutes of the United States. In either case of counterfeiting, committed within the United States, our Government can justly claim their privilege of priority of jurisdiction, should an American citizen be held for trial in France or Germany for counterfeiting committed in this country.

Moreover, counterfeiting is provided for by most of the extradition treaties, and such is the case as to the treaties of the United States with France and Germany.

In general may be said: As to the extraterritorial criminal jurisdiction assumed by France and Germany over the crime of counterfeiting, the question of "privilege of priority of jurisdiction," if raised by the United States, probably never will lead to any difficulty, because in punishing counterfeiting all governments are interested alike.

III.—GERMAN LAW ON FOREIGNERS' FOREIGN OFFICIAL OFFENSES.

Germany sometimes intrusts foreigners, to wit, natives of Germany, living in distant foreign countries, with official or officious business.

To deny, from principle, the right of extraterritorial criminal jurisdiction in such case would be destructive of all righteousness of intercourse between nations, while conceding such jurisdiction might intricate the Government of this country in serious difficulties, because of the difference of opinions as to the foundation of the indictment.

The only way of obviating such collisions is *not to accept at all any official business, any commission from a foreign government*, except services of charity, warranted by the interest of humanity, as, for instance, the assumption of officious protection of foreigners being left unprotected after necessary departure of the diplomatic representant of their country.

It would be of great profit to forbid by law to American citizens the acceptance of any foreign official or officious business or commission except of a commission of charity, and that only under *consent by our Secretary of State.*

Counsellors at law, employed by envoyees or consuls of foreign governments in this country, are of course exempted from that restriction.

D.—OUTLINE OF THE FOLLOWING CHAPTERS.

We shall have to quote now from the French and German penal codes those statutes on "crimes against the safety of the state" mentioned in CI a and b of this chapter, and appliable (according to section 7 of the French code of criminal proceedings and according to sections 4, 1 of the German penal code) to *foreigners in foreign country.*

We shall review first French and then German law, and we shall, for the sake of comparison, quote German laws on "acts treacherous to the country, though they are not appliable to foreigners' foreign acts except when warranting the "usage of war."

We shall review French and German law with special regard to *their effect on American citizens* and with special regard to our indispensable theory of the "privilege of priority on the part of the state where the act was committed." And, above all, we shall have carefully to investigate if the right of *justified* self-defense on the part of the legislating power were *kept within fair limits or not.*

CHAPTER IV.

FRENCH LAW ON CRIMES AGAINST THE STATE AND ITS EFFECT ON AMERICAN CITIZENS.

A.—CRIMES AGAINST THE EXTERIOR SAFETY OF THE STATE.

In the French penal code we read, under the headline of "Crimes against the exterior safety of the state," as follows:

SEC. 75. A *Frenchman* who shall bear arms against France is to be punished with death.

SEC. 76. *Every one* who shall engage in machinations or intercourse with foreign powers or their agents for the purpose of entreating them to commit hostilities or to undertake war against France, or to furnish them with the means therefor, is to be punished with death, even if a war did not outbreak.

SEC. 77. The same punishment shall be executed for intercourse with the enemy for the purpose of facilitating to him the entry in French territory, or of delivering up to him towns, fortresses, plans, harbors, magazines, arsenals, vessels, or of furnishing him with troops, money, supplies, or of aiding him by undermining the loyalty of the army of the country.

SEC. 78. If the intercourse with subjects of an inimical power, though not aiming such crimes as described in section 77, results in furnishing the enemy with informations obnoxious to the military or political situation of France or her allies, the punishment shall be detention, without prejudice to the statutes relating to agreement for espionage, should such be the case.

SEC. 79. It makes no difference whether the crimes described in sections 76 and 77 be committed against France or her allies.

SEC. 80. A public officer or agent, or every one intrusted with an official negotiation of secret nature, who shall betray the secret to an agent of a foreign or hostile power, shall be punished with death.

SEC. 81. A public officer who shall deliver up to the enemy plans of fortresses shall be punished with death; if he delivered them up to a neutral power or to an ally, the punishment shall be detention.

SEC. 82. *Every other person*, having secured such plans by corruption, fraud, or violence, and delivering them up to a foreign power, shall be punished like an officer. [But if such person did not obtain said plans by illegal means, the punishment shall be deportation, if the plans were delivered up to the enemy of the country, and imprisonment of two to five years if they were delivered up to a neutral power or to an ally of France.]

SEC. 83. Concealing spies is to be punished with death.

SEC. 84. *Every one* who, by hostile acts, not approved by the government, shall intricate the state so as to expose it to war, shall be punished with banishment, and if the war broke out, with deportation.

SEC. 85. Whoever shall expose, by hostile acts not approved by the government, Frenchmen to retaliation, shall be punished with banishment.

B.—CRIMES AGAINST THE INTERIOR SAFETY OF THE STATE.

Section 86 seq., deal with civil war, with illegal use of the military force, with pillage and devastation within the territory, and provide as follows:

(*a*) A crime for the purpose of exciting civil war is to be punished with death.

(*b*) A proposal of complotting for that purpose is to be punished:

(α) With deportation, if an act leading to that purpose were committed.

(β) With detention, if no such act were committed, though two or more persons had agreed for complotment.

(γ) With detention of one to five years, if the proposal were not accepted by any one, that is to say, no complotment were effected.

C.—CRITICISM.

We saw in Chapter III, A I, that all "crimes against the safety of the State" (section 75 seq. of the French penal code) are to be resented irrespective of the nationality and place of commission of the deed, for section 7 of the French "code of criminal proceedings" provides for punishing foreigners' foreign crimes against the safety of the State "according to the provisions of French law should that person be arrested in or surrendered to France." (See page 25.)

We shall now investigate this extraterritorial criminal jurisdiction of France.

Section 75, according to its verbal tenor, is applicable to Frenchmen only. A foreigner, though not a subject of the inimical power, may join the army of the latter and enjoy the rights of the same according to the law of nations and the usage of war.

Sections 76–79 deal with acts committed by non-soldiers, either with the purpose of exciting war against France or during a French war. In this case a foreigner, having committed such a crime as defined by sections 76–79, may be treated according to the "usage of war" without prejudice to the question of the right of extraterritorial criminal jurisdiction. But as far as the accused one violated said French statutes within the *territory of the United States*, we have to search whether or not he be altogether punishable according to sections 5281–5283 and 5286 of the Revised Statutes of the United States, reading as follows:

5281. Every *citizen* of the United States who, within the territory of the United States or the jurisdiction thereof, accepts or exercises a commission to serve for a prince, state, or people in war against a prince, state, or people with whom the United States are in peace, shall be deemed guilty of a high misdemeanor and be punished with imprisonment not more than three years and a fine not more than two thousand dollars.

5282. Every *person* who, within the territory of the United States or the jurisdiction thereof, enlists or enters himself, or hires or retains another person to enlist or

enter himself, or to go beyond the limits of the United States with the intention to be enlisted or entered in the service of any foreign prince or state or people as a soldier, etc., shall be guilty of a high misdemeanor and be punished with imprisonment not more than three years and a fine not more than one thousand dollars.

5283. Every person who, within the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming of any vessel, with intent that such vessel shall be employed in the service of any foreign prince or state, etc., to cruise or commit hostilities against the subjects or property of any foreign prince or state, etc., with whom the United States are at peace, or who issues or delivers a commission within the territory, etc., of the United States for any vessel to the intent that she may so be employed, shall be deemed guilty of a high misdemeanor and fined not more than ten thousand dollars and imprisoned not more than three years. And every such vessel, with her tackle, etc., shall be forfeited, one-half to the use of the informer and one-half to the use of the United States.

5286. Every person who, within the territory or jurisdiction of the United States, begins or sets on foot, or provides or prepares the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of colony, district, or people with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars and imprisoned not more than three years.

Thus an American perpetrator of said crimes described in sections 76–79 of the French penal code might altogether violate one or more of the quoted sections of the Revised Statutes of the United States. In this case two possibilities could occur:

(1) The United States had punished the perpretrator for violation of *our* laws. In this case the United States would have to protect the offender, if later arrested in France, against a *second trial for the same offense*, should he be an American citizen.

(2) The United States had, because of their ignorance of the deed, not punished the offender. In this case the United States can not claim their "privilege of priority of jurisdiction," because there is no provision in the treaty of extradition between France and the United States for extraditing such offenders, and therefore the United States are not in position to make use of their "privilege of priority of jurisdiction."

Section 80 deals with public officers and such persons as negotiate official affairs. We may refer, at this point, to the German statute, quoted in Chapter III A II, c (punishing foreign offenses of Germans and foreigners while in official German duty), and to our commentary upon it, in Chapter III C III.

Section 81 deals with time of war, to which the "usage of war" is applicable, as in case of sections 76–79; these sections thus need no excuse.

Section 82. *This section invites us to stop and think for a moment*, for section 82, part 2, refers to time of war as well as times of peace; it threatens with detention of two to five years every unofficial person (including foreigners in foreign countries) who, having obtained, by means *not* illegal, plans of fortresses, shall deliver them up to a foreign power, say to the government of his mother country.

Here we have got on the part of France an instance of what we called above *exceeding the right of self-defense*, a transgression of *our* rights of self-defense.

The following case of fiction may serve for explanation:

Suppose the United States and France were close neighbors again; France, for instance, were once more in possession of Canada and worried this country, so as to make the outbreak of a war in near future time rather possible. Under those circumstances an American traveler in Canada happens to get, but not by illegal means, plans of French Canadian fortresses. Our American citizen would not bethink himself how to act; he would resolve:

"As I did not get my treasure by corruption, by fraud, theft, or violence, my conscience remains intact. I wouldn't keep, for my own use, a purse I should happen to find on the street; but if, next to the purse, I should discover a sick or starving man lying prostrated, I wouldn't hesitate to give him some little money out of that purse should I be unable to help him from my own.

"Now, *my own country is in danger of war with France.* I am bound to *help my country*, and *it wants these plans*, and so *I shall deliver them up to the government of my country.* In doing so I am committing only an act of *justified self-defense*, for my country is threatened with war. Nobody can blame me for assisting, by means not involving fraud, corruption, or violence, my imperilled country."

Thus the French law transgressed the line of justified self-defense by denying to other ones the *same right of self-defense.*

The logical result of our argumentation is this: An act treacherous to one country, and committed by a foreigner in a foreign country, may be sometimes on the part of the perpetrator a *highly patriotic act towards his own country.*

Punishing that, if not connected with a common crime, is utterly cruel and unnatural.

We declare, therefore, that section 82 of the French penal code, in denying to other states the right of self-defense claimed by France herself, and in punishing foreign fair and justified self-defense, *exceeds the limits of the right of extraterritorial jurisdiction*, granted on the ground of self-defense. *Section 82 is a violation of the Law of Nations.*

Section 83 deals with acts committed in time of war; we are thus not concerned by this statute. As far as "espionage" takes place in time of peace the place of commission is France, and American jurisdiction out of question.

Sections 84 and 85 refer to hostile acts committed, in behalf of France, toward foreign countries, thereby endangering the peace of France. If an American citizen, say a native of France, should perpetrate such an act on American soil, the United States could not protect him from trial in France, should he there be arrested, provided that said "hostile acts" were not such as defined by sections 5281–83 and 5286 of the

Revised Statutes of the United States, quoted above (sub-C of this chapter, see pages 30 and 31) securing to the Government of the United States the "privilege of priority of jurisdiction," under the restrictions noted (sub-sections 76–79, see page 30).

Section 86 *seq.* relating to crimes against the *interior* safety of the State, might affect Frenchmen of all parties living in this country. If such a one, though a naturalized citizen of the United States, should publish in America articles recommending the restoration, in France, of monarchical institutions by *revolutionary* means, he would be punished, if seized in France, with prison of two to five years, even if his proposal were not accepted by any one. The same result would follow should, for instance, an American citizen advocate, in an American newspaper, that the French nation may rise against one of its official bodies (the Cabinet, or the Chamber of Deputies, or the Senate) and put them, by *force*, out of office.

FINAL REMARKS.

Though severe French law appears towards foreigners' foreign crimes against the *exterior* safety of the State, it proves to be relatively moderate as to crimes against the *interior* safety of the State, for it punishes only *exciting civil war*, but does not include political partisan combinations as far as not amounting to *revolutionary* complotment.

German law, to the contrary, as we shall see now in the two following chapters, proves to be fair, towards foreigners, as to crimes against the *exterior* safety of the State, but unfair and unreasonable as to offenses against the *interior* safety of the State.

CHAPTER V.

GERMAN LAW ON CRIMES AGAINST THE STATE, AND ITS EFFECT ON AMERICAN CITIZENS.

INTRODUCTORY.

As we said above, by German law crimes against the *exterior* safety of the State are termed "acts treacherous to the country" (*Landesverrath*), while crimes against the *interior* safety are called "acts of high treason" (*Hochverrath*). It is the latter species only of which Germany assumes extraterritorial criminal jurisdiction, while she, by sections 4, 2 of the penal code, confines extra territorial jurisdiction of "acts treacherous to the country" to *Germans*. Germany reserves to herself, of course, the right to punish such "acts treacherous to the country" committed by foreigners abroad, as may come under the rules of "usage of war," dispensing with the ordinary law.

For the purpose only of better illustrating the difference between French and German laws on foreigners' foreign crimes against the *exterior* safety of the State, we shall quote German law on "treachery to the country" (that is to say, crimes against the *exterior* safety of the State), then we shall review German law on "high treason" (crimes against the *interior* safety of the State).

A.—TREACHERY TO THE COUNTRY (LANDESVERRATH).

According to sections 87–93 of the German penal code a *German* shall be found guilty of "treachery to the country" by—

1. Engaging with a foreign government for the purpose of exciting them to a *war* against Germany (section 87).
2. Bearing arms in the ranks of a *war-enemy* of Germany (section 88).
3. Rendering whatever assistance to the *war-enemy* of Germany or injuring the German army while in war (section 89).
4. Injuring Germany, *while in war*, by—
   (*a*) Helping the enemy to her fortresses, passes, occupied places, defensive posts, or to the capture of troops, vessels, treasures, armories, ammunitions, or whatever supplies.
   (*b*) Damaging or destroying bridges or railroads to the advantage of the enemy.

(*c*) Enlisting troops for the enemy, or inducing German troops (or allies) to desert to the enemy.

(*d*) Communicating to the enemy plans of operation, or of fortresses, or of fixed positions.

(*e*) Serving to the enemy as a spy, or concealing and helping spies.

(*f*) Inciting insurrection among the troops of Germany or of her allies. (Section 90.)

As to these four degrees of treachery to the country, there was no need to legislate on foreigners; for, if foreigners bear arms in the ranks of the enemy of Germany (section 88) they belong to the army of said enemy and are entitled to all rights of the same; and if foreigners commit in a foreign country a crime as defined in sections 87–90, they could be treated, if seized in Germany, according to the "usage of war."

We must, therefore, discriminate "treachery to the country" while the latter is *in war*, or for the purpose of *exciting war*, from "treachery to the country in times of *peace*." The first species (sections 87–90) is to be dismissed from our contemplation; the latter species consists, according to section 92 of the German penal code, of the following:

5. (*a*) Publishing or communicating to a foreign government secrets of the state, or places of fortresses or documents or news, with the consciousness that their concealment from another government is necessary in the interest of the German Empire;

(*b*) Endangering the rights of the Empire (or of a federal state), towards a foreign state, by destroying or falsifying or suppressing documents or means of proof thereof;

(*c*) Managing, while trusted with an official business with another government, such business to the disadvantage of Germany.

This section 92 of the German penal code can (with exception of alinea c.) be applied only to *Germans*. (See sections 4, 2, of the German penal code in our chapter III, A, 2, 2, page 25.) Alinea c. was excepted by section 4, 1, c. of the German penal code, as seen in our chapter III, A, 2, 1, c. page 25.

Thus Germany, in excepting from punishment foreigners' foreign "treacherous acts to the country," committed in times of *peace* and not amounting to exciting war, *fairly took regard* to the patriotic sense and feeling and duty of foreigners towards their own mother country.

This section 92 of the German penal code was several times tested in the courts. At the end of the year 1886, for instance, a French commissioned officer of the name of Letellier, traveling in southern Germany, was found being in possession of plans of German fortresses. He was arrested and his case laid before the federal supreme court having jurisdiction of "treachery to the country." But that court

ordered the prisoner to be released on account of that statute providing that a foreigner can not be tried for "treachery" if no evidence be given that he committed the deed *on German soil*, that is to say, that he got those plans of fortresses in *Germany*.

That fair regard to foreigners' patriotism towards their mother country *French* law is lacking.

We are sorry that we are unable to extend our praise of fairness of German law to the *second* series of crimes against the state—to the crimes of "high treason" (Hochverrath), which we shall deal with in the next division.

B.—HIGH TREASON (HOCHVERRATH.)

"Acts of high treason," according to sections 80–86 of the German penal code, means:

(1) Attempt to kill the Emperor (or a sovereign of a federal state while in his state). To be punished with death. (Section 80.)

(2) *Attempt*—

To take a federal sovereign prisoner and to deliver him up to his enemy, or to disable him from governing;

To change, by force, the constitution of the Empire (or of a federal state), or the succession of crown; to separate a part from the federal territory (or from the territory of a federal state), or to annex it by force to another federal state or a foreign country—

To be punished with life sentence; if extenuating circumstances exist, with at least five years' fortress. (Section 81.)

(3) All such "attempts" are to be treated as "*consummated crimes of high treason*," if the accused one did any act by which the purpose was *directly* to be executed. (Section 82.)

(4) A conspiracy of several persons, to commit high treason is to be punished with five to fifteen years penitentiary or fortress, if such an act, by which the purpose had directly to be executed, were *not yet commenced with*. (Section 83.)

(5) The same punishment is to be applied to him, who, for the purpose of *preparing* high treason, is connected with the government of another state, or misuses the power of office trusted to him, or recruits or drills troops. (Section 84.)

(6) He who publicly before a crowd or an assemblage, or by circulating (or publicly affixing or showing) printed matter or such alike, shall call upon to commit high treason, shall be punished with penitentiary or fortress not less than ten years; if extenuating circumstances exist, with fortress from one to five years. (Section 85.)

(7) All other acts *preparatory* to high treason are to be punished with penitentiary from one to five years; if extenuating circumstances exist, with fortress from six months to three years. (Section 87.)

C.—EFFECT OF THE "HIGH TREASON" LAW ON AMERICAN CITIZENS.

(1) Although the crimes, embraced by sections 80–86 of the German penal code, may be divided into crimes of "consummated high treason," (sections 80–82) and crimes of "prepared high treason," sections 4, 1, of the German penal code, providing for foreigners' foreign "acts of high treason" is appliable to "preparatory" as well as to "consummated" acts of high treason. (See Daude (State attorney of Berlin), edition of the German penal code, note to section 4, 1, page 13.)

(2) History shows that criminal statutes on acts "*preparatory*" to high treason nearly always meant foul play, and were merely a trap for the purpose of catching propagandists of free thought. And such is the case with sections 85 and 86, quoted above. Let, for instance, a speaker or a writer in Germany say:

"An educated people should give preference to the republican form of Government above a monarchical one. Monarchical system is incompatible with the personal dignity of citizens, the high standing of which in literature and art entitles them to the claim of full liberty of political thought. Our aim should be, therefore, to supplant Germany with republican ideas."

This sentence, though dealing with "ideas" only, might very easily be brought under section 85. The attorney for the state may say:

"You want the people to get interested in the question of republic, that they strive for changing the monarchical form of government into a republican one. You disclaimed, indeed, the use of force, inasmuch as you advocated 'supplanting ideas' only. But how can you reach that aim, without recurring to the use of violence? Our monarch is sovereign 'by the grace of God;' nor did he nor his presumptive successors ever declare their will to resign, should it be demanded by the people. There is, thus, no possibility at all to overthrow the present monarchical government in a peaceable way. Your urging on the people to work for the propagation of republican ideas implicitly advocates the use of force for the purpose of erecting a republican government. For there has not been yet in history one single instance of a republic being erected with the good will of the former monarchical sovereign. Thus you committed the crime of *preparing* high treason."

(3) Should this argumentation not seem to be satisfactory enough, the state might support its cause and enforce the conviction of the accused one by section 86; that clause reads quite innocently, inasmuch as reducing punishment of such crimes to six months, if extenuating circumstances exist. But in reality that section, 86, comprising "*all other* acts preparatory to high treason," is the meanest trick political partisan legislation ever has indulged in against the people.

What "other preparatory" acts can be imagined besides those defined by section 85, consisting of oral, or written, or printed word, or picture, etc.?

State Attorney Daude, in commenting upon section 86 (see edition of the German penal code, by Daude), quotes, for explanation of that clause, the following decision of the German Supreme Court of October, 1881, vol. 5, p. 60:

> The conception of an "act preparatory to high treason" is not excluded on account of the act lacking the purpose of making the "preparation" perfect and aiming only the contrivance of a further preparatory act.

Thus section 86 means, if we understand it right, *preparatory* to *further* preparation of *endless* preparation of final *preparation*. That is exactly the sense of section 86, as explained by the German Supreme Court.

That law is a trick for catching offensive political partisans, against which not evidence enough can be found to convict them on the ground of section 85.

(4) We might be, of course, quite indifferent to that section 86, were we not affected by it in consequence of section 4, 1, of the German penal code, providing for Germany *extraterritorial criminal jurisdiction* of foreigners' foreign offenses of high treason. We shall have, therefore, to state our *American* position towards that law.

In this regard we unhesitatingly say:

Germany is at liberty to extend punishment of "acts preparatory to high treason" to the limits of laughing, sneezing, etc., *but only within her territory;* she has no right to deprive us of our privilege granted by constitution and institutions of this country. The question is not here of organizing in this country rebellion to take effect in Germany. *The question is merely of our right, as republican citizens, to propagate republican ideas and to support them. Our republic is essentially interested in supporting republican feeling abroad, and, indeed, in behalf of its own safety,* because a monarchical government is too often inclined to declare war for the sake of conquests.

If naturalized German-Americans send some money to Germany for the support of the election of republican congressmen (to the Reichstag), this may be, according to the famous section 86 of the German penal code, "a preparation to preparation" to high treason; but we do so in *behalf of our self-defense,* which is just as legitimate as the self-defense of German monarchy. Germany has no right to interfere with our republican propaganda; the safety of our state depends on the strength of anti-monarchical feeling and ideas all over the world.

Sections 85 and 86, in connection with section 4, 1, involve a serious transgression of our right of self-defense; for they intend to prevent us from propagating such ideas as *upon which our republic is founded* and the *safety of our state is dependent.*

CHAPTER VI.

THE GERMAN DYNAMITE LAW AND ITS CONNECTION WITH EXTRA-TERRITORIAL CRIMINAL JURISDICTION.

A.—INTRODUCTORY.

We dealt heretofore with "extraterritorial criminal jurisdiction *under authority of international law*," and discovered two cases, one in French law (on crimes against the *exterior* safety of the state), and one in German law (on crimes against the *interior* safety of the state), in which foreign legislation on "extraterritorial criminal jurisdiction," *transgresses* the limits defined by international law, the limits of *justified* self-defense.

We shall come now to a third case of extraterritorial criminal jurisdiction, lying *beyond the limits of international law at all.*

Since emanation of her *organic* criminal statute-book (in 1871), Germany has indulged in continuous *special* legislation on different matters brought under criminal aspect. By such action, so contrary to German method of scientific systematizing, German criminal legislation, past 1871, lost its rational coherence and systematic connection. That is the curse of all inorganic legislation. By emanation of "special laws" the legislator loses the general view so necessary for that work. Rational legislation requires a main statute-book on a broad foundation, so that all further necessary legislation easily could be adapted to, if not inserted in, the statutes of the main book. Piecework-legislation must unavoidably lead to so strange a state of things, we find in this country, where Congress and legislatures pass inorganic laws by the dozens every year.

So Germany, by an inorganic special law of *June* 9, 1884, lost sight of her principles of "extraterritorial criminal jurisdiction," embodied in her organic statute-book.

That law bears the title of "Law on Criminal and Dangerous Use of Explosives," and is commonly termed the "*Dynamite Law*" of June 9, 1884. Its clause 12 provides that the clauses 5, 6, 7, 8, and 10 be extended to "*Germans and foreigners in foreign countries*," according to section 4, 1 of the German penal code, discussed above, Chapter III, A 2, page 25 and *seq.*; that is to say, that Germany assumes *extra-*

territorial jurisdiction of offenses, even if committed by foreigners in foreign countries, against those statutes. They read as follows:

B.—TEXT OF THE GERMAN DYNAMITE LAW OF JUNE 9, 1884.

SEC. 5. Who, by use of explosives, shall purposely endanger property or health or life of another one, is to be punished with penitentiary.

If by such act a serious bodily injury were caused, the punishment shall be not less than five years, and if the death of a person were caused, not less than ten years; if the caused death were to be imagined by the perpetrator, the latter is to be punished with death.

SEC. 6. If several persons bespoke for the perpetration of an act, as described in section 5, or if they allied for the continued perpetration of such an act, *though not yet defined in its particulars*, they shall be punished with not less than five years penitentiary, even if the resolution of perpetrating the crime *were not confirmed by acts embracing the commencement of the perpetration.*

SEC. 7. Who, with the intention of endangering property, health, or life of another one, or with intention of enabling other ones to commit that crime, shall manufacture, secure, order, or keep in possession explosives, is to be punished with penitentiary from one to ten years. The same punishment shall take place, if one, who is legally authorized to manufacture or to keep in possession explosives, shall deliver them up to others, while knowing that such explosives are destined to the perpetration of such crimes as described in section 5.

SEC. 8. Who, under circumstances not proving an allowed purpose, shall manufacture, secure, order, knowingly keep in possession or deliver up to other persons explosives, is to be punished with prison not less than one year. From this provision certain shooting materials, as defined by a special act of the federal council (Bundesrath), shall be exempted.

SEC. 10. Who publicly, before a crowd, or by circulating (or affixing or publicly displaying) writings (or other representations), or in writing (or by means of other representations), shall urge to commit such punishable acts as described in sections 5 and 6, or to participate in them, shall be punished with penitentiary; the same punishment shall take place if one, by *celebrating or glorifying such acts*, shall urge or incite to commit them.

SEC. 12. The provisions of section 4, i, of the German penal code, are to be applied to the crimes described in sections 5, 6, 7, 8, and 10 of this law, too.

C.—CRITICISMS.

I.—GENERAL VIEW OF A GRAVE AMERICAN ERROR AT LAW.

Nobody would probably have an objection to a "dynamite-law" per se, for it is only an extension of the law on murder and attempted murder. *But just on account of its capacity of a regular law on murder "extraterritorial jurisdiction" of foreigners' foreign acts is out of place.* There is no reason at all why Germany should be permitted to assume extraterritorial jurisdiction of a *certain kind* of murder and attempted murder while murder (and its attempt) is exempted from extraterritorial jurisdiction on the ground, indeed, that all civilized nations punish that crime.

If such a course as Germany took by section 12 of her dynamite-law be allowed, there would be *no limit* to extraterritorial criminal jurisdiction. The only limit to be recognized is "self-defense." If an

American citizen threatens within the United States a subject of Germany, residing on the other side, with dynamite, the right of "self-defense" were established should the Government of the United States not be in position to claim their "privilege of priority of jurisdiction." Mr. Frelinghuysen, late Secretary of State, indeed, in a dispatch of November 24, 1884, to Mr. Lowell, then United States embassador to London, made the following remarks on "lawless combinations which may secretly complot assassination, etc." (quoted in "Digest of International Law of the United States):"

> This Government can only proceed against offenders or suspected offenders, in accordance with law, and it is at least doubtful whether any law is now in existence in this country by which the publisher of the paper now in question can be called to account. I am not aware that such a law exists in any country. It is but recently that any law for punishment of *incitement to the commission of murder in foreign countries* was placed on the British statute-books. The present laws of the United States only aim to meet the cases of actual overt acts of hostility against a friendly nation, when said acts were committed within the territory of the United States. So far as I remember, this is the full extent to which other nations have gone in this direction.

I should think Mr. Frelinghuysen was in grave misapprehension of the case. There is no need for special legislation on "incitement to commit murder abroad." Every State and Territory of the United States has a law (either common or statutory) on murder and the accessoryship before the fact (including "incitement"). This law is a sufficient supply of all judicial and judicious means to meet all cases mentioned in Mr. Frelinghuysen's dispatch.

I imagine the following objection:

"As murder abroad is not subjected to the jurisdiction of the courts of this country, we have the less jurisdiction over an accessory before the fact."

But this objection is a *cunning sophism* only, for both "accessoryship before the fact" and the consummated crime itself are *separate* crimes, *each of them standing for itself.* When I incite here to commit murder abroad *I am committing that crime of incitement within this country.* We punish, of course, murder only when committed within this country, but on no other ground than in order not to interfere with the right of other states to punish murder committed on their soil. But this reasonable judicial practice is not connected with a charter of free "incitement to murder abroad."

If our law on accessory to murder should legally be interpreted so as to refer only to murder committed within the United States, such law or such interpretation would be a *violence to international law*, because granting immunity to murder incited here against foreigners in foreign countries.

The fact that we do not punish murder committed abroad can not be a reason to let free "incitement to murder abroad," but, *to the contrary*, a ground *for* punishment of such accessory, in order to prevent the plotted murder from being committed abroad.

We saw above (Chapter II, D. B., page 21), from section 5353, that the United States even recognized in a certain case the *liability of extra-territorial principal*; for the same reason they can not deny the liability of *intraterritorial accessory before extraterritorial fact.*

"Incitement to murder abroad" is an intraterritorial accessory before an extraterritorial crime, and this accessory is to be prosecuted in this country as an *independent principal* to the *crime of "incitement to murder."*

Mr. Frelinghuysen says: "I am not aware that such a law (on punishment of incitement to commit crimes abroad) exists in any country. That is right; but all countries consider it as *a matter of course* that "incitement to crimes" refers to crime *at all*, irrespective of the country where it is to be committed. In this sense the supreme court of the German Empire, too, declared in their decision of June 24, 1884, that an intraterritorial accessory before an extraterritorial crime is to be held an intraterritorial principal.

After this digression I wish to say:

Should my theory, in opposition to Mr. Frelinghuysen's, that the United States (or the States of the Union) have the right to punish "incitement to murder abroad" not be sustained by the authorities of this country, then *Germany's* right to assume jurisdiction over an American incitement to dynamite-attentat against Germany would be indisputable on account of the right of self-defense, warranting assumption of extraterritorial criminal jurisdiction.

2.—TRANSGRESSION ON THE PART OF GERMANY OF OUR RIGHTS.

We refuted, in the foregoing division, Germany's right of assuming extraterritorial jurisdiction over American "incitement to murder abroad," should Mr. Frelinghuysen's theory be *disavowed* by the authorities of to-day; but in the case the authorities uphold Mr. Frelinghuysen's theory, we conceded, indeed, Germany's right of assuming jurisdiction over American dynamite cases, *provided* such attempts or incitements were directed against *Germany* or her subjects residing there; such right arising by necessity of "self-defense." But Germany, as the text of the German dynamite law shows, was not satisfied with provisions for punishment of foreign dynamite offenses against *Germany;* she *rather extended her* extraterritorial jurisdiction over *all* dynamite crimes, committed abroad, *without regard to their geographical direction.* And that is a *serious transgression of the limits of self-defense.* If American citizens conspire for a dynamite attentat, *not intended to take effect in Germany*, Germany should not be allowed to assume extraterritorial jurisdiction over them. Germany, otherwise, could as well pass a law by which she assumes jurisdiction over all unpunished American lynching parties, should they be caught in Germany.

For, as to the degree of lawlessness and moral or immoral qualities, *political dynamiters and lynching parties counterbalance to each other;*

both of them pretend, to be in the necessity of revenging wronged rights, and to restore, of their own, justice, because of the deficiency or malicious refusal on the part of the legal authorities to comply with their legal duties.

Germany's assumption of jurisdiction of foreigners' foreign offenses against her dynamite law leads us, moreover, to the consideration of a *most grave circumstance.* German dynamite law punishes not only foreigners' foreign acts accessory *before* the fact, but even acts accessory *after* the fact, to wit, "*celebrating or glorifying such acts.*" (See section 10, page 40.)

Remember the dynamite attentat against the late Russian Emperor Alexander III. Hundreds of American newspapers commented then on that tragedy about as follows:

"It is terrible, indeed, to use dynamite in such a way. But who might take it amiss to the Russian people, if they can not endure any longer the brutal and murderous autocracy of the Romanoffs, who deny to the people a *constitution*, and hang or deport to Siberia, year by year, thousands over thousands of the best and most patriotic men and women for defending the demand of a constitution? What could the Russian people do otherwise, to obtain a right denied to them by violence and cruelty, than in resorting to the same means the Russian autocrat has been always using?"

I say, if in case of recurrence of a dynamite attentat in Russia, an American paper should offer an *excuse* in such manner for the course of the Russian people, Germany would take jurisdiction over the editor of such paper, were he within the German boundaries.

And yet nobody is considered, in this country, a criminal who excuses in similar way for *lynching at the Mexican border of Texas.* Of those excusing such lynching not one of one thousand probably would lend himself a hand to lynching purpose. This shows that we may excuse in a certain way an attentat, without being dynamiters at all. And the difference between "excusing," and "celebrating," or "glorifying," amounts to so little as to make it very easy to comment upon an excuse as "glorifying," or "celebrating."

And think, further, of the Irish-Americans in this country, when they get an opportunity, to comment on Ireland's struggle against England.

I don't denounce a dynamite law itself as unreasonable, but merely its extension to such unjustifiable limits, as is the case with the German dynamite law, and I denounce the transgression on the part of Germany of the limits of justified self-defense.

No declaration of a foreign power, to assume extraterritorial criminal jurisdiction, *can deprive us of our right of criticising the struggles of foreign peoples for their liberty* and of *sympathizing* with them.

The decision, whether or not our excuse for a foreign dynamite case, that was *not incited nor fostered by us*, reaches the climax of an act "accessory after the fact," *must be left with the authorities of this country*, as

well as the decision, whether or not such act be "accessory before the fact."

In this country, criticising a *fact* is not held an "accessory act" to the fact, though, such criticism makes a defense for said fact submitted to criminal jurisdiction.

I can not refrain from citing a newspaper notice I met in these very days, on Russian dynamite. A cable dispatch of one of our newspaper syndicates from February 16, 1889, printed in the issues of Sunday, February 17, 1889, dated *London*, and to be found in the St. Louis Republic of that day, on the tenth page, columns 3 and 4, deals with the Russian Emperor's son as follows:

It appears, that the czarewitz, who, *dynamite permitting*, is one day to be the Emperor of Russia, has, etc.

Even this cable dispatch may bring the editors of these papers who printed it under the extraterritorial jurisdiction of Germany.

We shall have, therefore, to strictly refute any right assumed by Germany to exercise such extravagant extraterritorial jurisdiction; we deny it even in the case such criticism of a dynamite case relates to *Germany. For our right of criticism can not be infringed upon by any foreign law.*

Another danger we are threatened with I find in section 6 of the German dynamite law:

If several persons bespoke for the perpetration, etc., of such an act, *though not yet defined in its particulars*, they shall be punished, etc., even if the resolution of perpetrating the crime *were not confirmed by acts embracing the commencement of the perpetration.*

That means a conviction of innocent persons, against which no evidence can be brought to light, except the oath of a witness, who claims to have overheard the accused ones conspiring for perpetration, etc.

According to this section 6 no evidence of a *fact* is necessarily to be produced, only a *witness's oath.*

Take for instance the following case:

I return, on a visit trip, to Germany. There I meet two Germans, whom I knew in St. Louis, but who were bitterly opposed to me on account of political or private or business reasons.

They denounce me and swear:

"We met this man every noon at the table of Tony Faust in St. Louis; at the 1st January we overheard him at such opportunity bespeaking with other ones, we shall be able to identify, the plan of perpetration of a dynamite crime."

I would have to answer, that I remember very well to have often met those two witnesses at the table of Tony Faust in St. Louis; that I was there at the 1st January, too, with two gentlemen, and that we had a pleasant dinner-talk, perhaps *we chatted* about some dynamite affair in an innocent way; but we did not plan any perpetration, etc.

Now, what can I do, if those two witnesses *swear?*

I am not able to produce those two gentlemen, with whom I chatted at the 1st January; they were tradesmen; one has gone to Mexico—I don't know where there—and the other one had disappeared to Canada.

With the aid of two Pinkerton detectives, to be appointed for that purpose here by the German secret police, every offensive German-American returning to the mother country can be indicted on the ground of section 6 of the dynamite law. There are people, and especially Pinkertonians, that swear to anything desired of them.

I should think the United States would do better not to wait for the actual appearance of such a case, but to prevent its eventuality.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 212.

IN THE SENATE OF THE UNITED STATES.

AUGUST 14, 1890.—Presented by Mr. Carlisle and ordered to be printed.

LETTER OF THE COMMISSIONER OF LABOR TRANSMITTING A STATEMENT SHOWING THE DIRECT COST OF LABOR IN THE MANUFACTURE OF ONE TON OF STEEL RAILS IN THE UNITED STATES, GREAT BRITAIN, AND ON THE CONTINENT OF EUROPE.

DEPARTMENT OF LABOR,
Washington, D. C., August 13, 1890.

SIR: I have the honor to acknowledge the receipt of your letter of August 8, in which you ask for a statement showing the direct cost of labor in the manufacture of 1 ton of steel rails in Great Britain and on the Continent of Europe, such statement to be prepared in the same way as that sent to Senator Edmunds on the 6th instant, relating to the cost of steel rails in the northern district of the United States. In reply I send you herewith three statements:

First, an analysis of costs in 1 ton of standard steel rails made in the United States. This analysis is based mainly on establishment No. 1, reported on page 35, House Miscellaneous Document No. 222 of the present session, and is substantially a copy of the statement sent to Senator Edmunds on the 6th instant. I have repeated it here because it was hurriedly made for Senator Edmunds, and the proper credit for the value of scrap produced in the ingot and rail departments was not made. The cost given in the statement of the 6th instant related to total gross cost of 1 ton of 2240 pounds of steel rails in the northern district of the United States. This statement shows the total net cost of such a ton of steel rails. It varies but 11 cents from the total cost given as for establishment No. 1, page 35 of the document referred to.

As stated, this statement is based mainly on establishment No. 1. It is not wholly so, because of the impossibility of tracing from the schedules relating to establishment No. 1 the labor cost of all the materials entering into the manufacture of 1 ton of standard steel rails; so labor cost has been taken from several establishments making steel ingots. Using an average as derived from these several establishments makes a variation of but 11 cents in the result. This fact clearly establishes the soundness of the analysis of cost as based on establishment No. 1, and as reported on page 35 of the document referred to. The credit for the value of scrap produced raises the per cent. of cost of direct labor in the production of 1 ton of standard steel rails from 45 per cent., as stated in the letter from this Department of the 6th to Senator Edmunds, to 47 per cent., as shown in the last item in the statement herewith sent.

Second, a statement showing the analysis of costs in one ton of standard steel rails made in Great Britain. The calculation in this statement is based on establishment No. 11, page 35, House Miscellaneous Document, No. 222. In this case we started with the cost of steel rails as given in the establishment just referred to, and were able to trace the costs back through the preceding processes of making the

blooms, ingots, pig-iron, coke, coal, and limestone, because all these elements were made under the direction of the same company that made the rails, and we had schedules covering all these costs. As to the iron ore, we did not have the exact mine from which it was taken, but we did have a representative mine in the same district from which it was taken, and we also had the cost for transportation given, so that the element of possible error in calculating costs is of necessity very slight.

As to "profit to producers," shown in the item relating to iron ore, a part of this is accounted for by the royalty or rent paid to the owners of the soil, which amounted to about 60 cents for the amount of ore shown in the statement. The remainder was made up by deducting the costs as calculated from the ore schedule from the cost delivered at the furnace, as charged in the pig-iron schedule. You will notice that the total net cost of 1 ton of steel rails, as stated in this analysis, is $18.614, while the cost, as shown in establishment No. 11, page 35 of the report referred to, is $18.588, or a difference of only 2.6 cents.

The labor at the establishment for which this analysis is made is paid less, I am informed, than at most other steel-rail establishments in Great Britain, but we were obliged to take this establishment, as it was the only one having a schedule for standard rails and for the previous processes, and furthermore, it is a representative establishment, whose production largely governs the price of standard steel rails. The other statement (No. 10) for Great Britain, on the same page, is for light rails, and the processes are not comparable fully with those for making standard rails.

Third, a statement of analysis of costs in 1 ton of standard steel rails made on the Continent of Europe, this statement being based mainly on establishment No. 3, page 35, House Mis. Doc. No. 222. The rails covered by this statement are standard steel rails, like those in the first and second statements just described. In making this analysis for the Continent of Europe we were enabled to follow the processes back, as in the case of the English establishment, until we came to the pig-iron, when, owing to the incompleteness of the pig-iron schedule for establishment No. 3, we found it necessary to use another schedule for the cost of converting materials into pig-iron.

For the costs of materials themselves, except limestone and iron ore, we had data from establishment No. 3, and we used the schedules of that establishment. For the limestone we had the cost as reported at the pig-iron furnace, but had no schedules for the Continent of Europe showing the amount of labor, etc., in 1 ton; so we used the cost as reported at the furnace, and subdivided that cost into its elements in the same ratio as that indicated in the limestone schedules for the northern district of the United States. The iron ore used was the same kind as that used in the English case just given; so we used the same schedule from which to ascertain the cost of it.

In other respects the same plan was pursued as in the English case, except that it was found that the cost of pig-iron, as charged in the ingot mill, amounted to $1.46 more than as figured from the materials; so we were obliged to charge that amount to the profits going to the pig-iron produced. The net cost of standard rails per ton, as given in the schedule for establishment No. 3, with which we started for this analysis, is $19.576, while as shown by this careful calculation it amounts to $19.635, an excess of 5.9 cents only by the use of other factors to supply those missing in the schedules of establishment No. 3.

I desire to say, in forwarding you these statements, that I have made

them up for three localities, instead of for two as requested, because of the resolution introduced yesterday by Senator Edmunds and now pending. Should that resolution be adopted I could not at present more fully answer it than I have done in this letter. The facts called for by you and by Senator Edmunds in the letters of the 6th and 8th insts., on account of the difficulties which I have intimated here, could not have been incorporated in the preliminary report, House Mis. Doc. No. 222. In the completed reports I am in hopes not only to give more elaborate analyses on the basis of these sent herewith, but for certain typical establishments, those that largely regulate prices, I anticipate being able to trace back through all the processes of manufacture the various labor elements entering into the production. The difficulty of doing this is at once discernible on a very casual examination of the facts.

You will pardon me if I call your attention to one analytical feature which should be observed in the use of the analyses herewith forwarded. Labor cost in one ton of steel rails—I mean after all the materials have been assembled in the steel-rail works and are ready to be subjected to the proper manipulations for the production of standard steel rails—should be less per ton relatively in this country than in Great Britain or on the continent, because American producers of standard steel rails dispense with at least one expensive process still adhered to by the foreign producer; and, furthermore, our materials, ore, etc., are purer than those used in most other places, so the quantity of ore, for instance, required for the production of a ton of standard steel rails is less in this country than in other places, and of course the labor required to produce one ton of steel rails is, so far as the purer materials are concerned, less here than abroad.

By reference to the statements herewith submitted it will be seen that in establishment No. 1, for the northern district of the United States, 4,137 pounds of iron ore were necessary for the production of one ton of standard rails, while in establishment No. 11, for Great Britain, 5,127 pounds, or nearly 1,000 pounds more, of iron ore were necessary for the production of one ton of the same kind of rails than in the United States, while on the continent of Europe, in establishment No. 11, 5,701 pounds, or nearly 1,600 pounds more of iron ore were necessary for the production of one ton of standard steel rails. Very many of those things which appear to be incredible when studying the total figures given disappear on a close examination of the analysis, and reasons for the figures can, as a rule, be found in the analysis if properly studied.

The establishments selected for the statements herewith forwarded are thoroughly representative, and are far more indicative of the true conditions surrounding the production of standard steel rails than any of the others given in the preliminary report referred to.

Of course, as remarked in a letter from this Department to Senator Edmunds, the cost of making rails, over and above what is in the previous statements denominated "direct labor cost," is largely resolvable into labor; that is, a very large percentage of the items above direct labor are labor in some form, but it is difficult to separate the elements, as in transportation, for instance.

Trusting that the statements herewith handed you fully answer your communication of the 8th,

I am, very respectfully,

CARROLL D. WRIGHT,
Commissioner.

Hon. J. G. CARLISLE,
United States Senate.

ANALYSIS OF COSTS IN ONE TON OF STEEL RAILS MADE IN THE UNITED STATES.

[Based mainly on Establishment No. 1, page 35, H. R. Mis. Doc. 222.]

Materials and successive stages of conversion.	Expenditures for direct labor.	Other expenditures.						Total.
		Officials and clerks.	Supplies and repairs.	Taxes.	Transportation to point where used.	Timber.	Difference between foregoing actual costs and costs as charged at the blast furnace—presumably profit to producers.	
For production of 4,137 pounds of iron ore	$2.142	$0.124	$0.807	$0.081	$4.893	.....	$2.926	$10.973
For production of 1,497 pounds of limestone	.205	.018	.025	.001	.318	.....	.036	.603
For production of 4,808 pounds of bituminous coal	1.973	.068	.149	.013	.....	$0.042	.....	2.245
For conversion of above coal into 3,532 pounds of coke	.596	.076	.072	.009	.788	.....	.....	1.493
For conversion of above ore, limestone, and coke, and 233 pounds of cinder, into 2,649 pounds of pig-iron	1.576	.134	.718	.054	.....	.....	.....	2.482
For conversion of above pig-iron and 79 pounds of scrap and ferro-manganese into 2,488 pounds of steel ingots	1.689	.120	.503	.011	.....	.....	.....	2.323
For fuel (1.11 tons bituminous coal) for conversion of above pig-iron, scrap, and ferro-manganese into 2,488 pounds of steel ingots	.912	.032	.069	.006	.....	.019	.....	1.038
For conversion of above steel ingots into 1 ton (2,240 pounds) of steel rails	1.540	(a)	1.000	.050	.....	.....	.....	2.590
For fuel (1.17 tons bituminous coal) for conversion of above steel ingots into 1 ton (2,240 pounds) of steel rails	.962	.033	.073	.007	.....	.020	.....	1.095
Total cost of above processes	11.597	.665	3.416	.232	5.949	.081	2.962	24.842
For cost of 233 pounds of cinder entering into the pig-iron (this is for material and is additional to its conversion included in line 5, above)								.094
For cost of 79 pounds of scrap and ferro-manganese entering into the steel ingots (this is for material and is additional to its conversion included in line 6, above)								.937
Total gross cost of 1 ton (2,240 pounds) of steel rails								25.873
Deduct value of scrap produced in the ingot and rail departments								1.207
Total net cost of 1 ton (2,240 pounds) of steel rails								24.666

a Not reported.

STATEMENT SHOWING THE PROPORTION OF COST ATTRIBUTABLE TO DIRECT LABOR IN THE PRODUCTION OF ONE TON OF STEEL RAILS.

Total cost of ore, limestone, and coke (coal included) for 2,649 pounds of pig-iron		$15.314
Cost of direct labor in production of ore, limestone, and coke (coal included) for 2,649 pounds of pig-iron		4.918
Per cent. of cost of direct labor in production of ore, limestone, and coke (coal included) for 2.649 pounds of pig-iron	32	
Total cost of converting the above materials, and 233 pounds of cinder, into 2,6.9 pounds of pig-iron		2.482
Cost of direct labor in converting the above materials, and 233 pounds of cinder, into 2,649 pounds of pig-iron		1.576
Per cent. of cost of direct labor in converting the above materials, and 233 pounds of cinder, into 2,649 pounds of pig-iron	63	
Total cost of converting the above pig-iron, and 79 pounds of scrap and ferro-manganese, into 2,488 pounds of steel ingots		3.361
Cost of direct labor in converting the above pig-iron, and 79 pounds of scrap and ferro-manganese, into 2,488 pounds of steel ingots		2.601
Per cent. of cost of direct labor in converting the above pig-iron, and 79 pounds of scrap and ferro-manganese, into 2,488 pounds of steel ingots	77	
Total cost of converting the above steel ingots into 1 ton (2,240 pounds) of steel rails		3.685
Cost of direct labor in converting the above steel ingots into 1 ton (2,240 pounds) of steel rails		2.502
Per cent. of cost of direct labor in converting the above steel ingots into 1 tan (2,240 pounds) of steel rails	68	
Total net cost of above ore, limestone, coke (coal included), cinder, scrap, and ferro-manganese, and of converting them into 1 ton (2,240 pounds) of steel rails		24.666
Cost of direct labor in the production of ore, limestone, and coke (coal included) and in converting them and the cinder, scrap, and ferro-manganese, into 1 ton (2,240 pounds) of steel rails		11.597
Per cent. of cost of direct labor in the production of ore, limestone, and coke (coal included) and in converting them and the cinder, scrap, and ferro-manganese into 1 ton (2,240 pounds) of steel rails	47	

ANALYSIS OF COSTS IN ONE TON OF STEEL RAILS MADE IN GREAT BRITAIN.

[Calculation based on establishment No. 11, page 35, Misc. Doc. H. R. 222.]

Materials and successive stages of conversion.	Expenditures for direct labor.	Other expenditures.						
		Officials and clerks.	Supplies and repairs.	Taxes.	Transportation to point where used.	Timber.	Difference between foregoing actual costs, and costs as charged by establishment where used. Presumably profit to producers.	Total.
For production of 5,127 pounds of iron ore	$0.860	$0.025	$0.185	$0.030	$4.166	.....	$2.241	$7.507
For production of 941 pounds of limestone	.163	.....	.016	.....	.041	.....	.....	.220
For production of 4,778 pounds of bituminous coal	2.083	.110	.308	.062	.....	0.334	.....	2.897
For conversion of above coal into 3,532 pounds of coke	.440	.039	.298	.....	.....	.....	.....	.777
For conversion of above ore, limestone, and coke, and 341 pounds of scrap cinder, etc., into 2,912 pounds of pig-iron	.784	.019	.754	.016	.....	.....	.....	1.573
For conversion of the above pig-iron, and 383 pounds of scrap and spiegeleisen, into 2,798 pounds of steel ingots	.702	.060	.942	.007	.....	.....	.....	1.711
For fuel (361 pounds of bituminous coal and 171 pounds of coke) for conversion of above pig-iron, scrap, and spiegeleisen into 2,798 pounds of steel ingots	.279	.015	.052	.008	.....	.041	.....	.395
For conversion of above steel ingots into 2,700 pounds of steel blooms	.492	.030	.419	.004	.....	.....	.....	.945
For fuel (810 pounds of bituminous coal) for conversion of above steel ingots into 2,700 pounds of steel blooms	.353	.019	.052	.011	.....	.057	.....	.492
For conversion of above steel blooms into one ton (2,240 pounds) of steel rails	1.368	.025	.348	.003	.....	.....	.....	1.744
For fuel (672 pounds of bituminous coal) for conversion of above steel blooms into one ton (2,240 pounds) of steel rails	.293	.015	.043	.009	.....	.047	.....	.407
Total cost of above processes	7.817	.357	3.417	.150	4.207	.479	2.241	18.668
For cost of 341 pounds of scrap, cinder, etc., entering into the pig-iron [this is for material and is additional to its conversion included in line 5 above]								.286
For cost of 383 pounds of scrap and spiegeleisen entering into the steel ingots [this is for material and is additional to its conversion included in line 6 above]								2.387
Total gross cost of 1 ton (2,240 pounds) of steel rails								21.341
Deduct value of scrap produced in the ingot, bloom, and rail departments								2.727
Total net cost of 1 ton (2,240 pounds) of steel rails								18.614

STATEMENT SHOWING THE PROPORTION OF COST ATTRIBUTABLE TO DIRECT LABOR IN THE PRODUCTION OF ONE TON OF STEEL RAILS.

Total cost of ore, limestone, and coke (coal included) for 2,912 pounds of pig-iron		$11.401
Cost of direct labor in production of ore, limestone, and coke (coal included) for 2,912 pounds of pig-iron		3.546
Per cent. of cost of direct labor in production of ore, limestone, and coke (coal included) for 2,912 pounds of pig-iron	31	
Total cost of converting the above materials and 341 pounds of cinder, scrap, etc., into 2,912 pounds of pig-iron		1.572
Cost of direct labor in converting the above materials and 341 pounds of cinder, scrap, etc., into 2,912 pounds of pig-iron		.784
Per cent. of cost of direct labor in converting the above materials and 341 pounds of cinder, scrap, etc., into 2,912 pounds of pig-iron	50	
Total cost of converting the above pig-iron and 383 pounds of scrap and spiegeleisen into 2,798 pounds of steel ingots		2.106
Cost of direct labor in converting the above pig-iron and 383 pounds of scrap and spiegeleisen into 2,798 pounds of steel ingots		.981
Per cent. of cost of direct labor in converting the above pig-iron and 383 pounds of scrap and spiegeleisen into 2,798 pounds of steel ingots	47	
Total cost of converting the above steel ingots into 2,700 pounds of steel blooms		1.437
Cost of direct labor in converting the above steel ingots into 2,700 pounds of steel blooms		.845
Per cent. of cost of direct labor in converting the above steel ingots into 2,700 pounds of steel blooms	59	
Total cost of converting the above steel blooms into one ton (2,240 pounds) of steel rails		2.151
Cost of direct labor in converting the above steel blooms into one ton (2,240 pounds) of steel rails		1.661
Per cent. of cost of direct labor in converting the above steel blooms into one ton (2,240 pounds) of steel rails	77	
Total net cost of the above ore, limestone, coke (coal included), cinder, scrap, and spiegeleisen, and of converting them into one ton (2,240 pounds) of steel rails		18.614
Cost of direct labor in the production of ore, limestone, and coke (coal included), and in converting them and the cinder, scrap, and spiegeleisen into 1 ton (2,240 pounds) of steel rails		7.817
Per cent. of cost of direct labor in the production of ore, limestone, and coke (coal included), and in converting them and the cinder, scrap, and spiegeleisen into 1 ton (2240 pounds) of steel rails	42	

ANALYSIS OF COSTS IN ONE TON OF STEEL RAILS MADE ON THE CONTINENT OF EUROPE.

[Based mainly on Establishment No. 3, page 35, Mis. Doc. H. R. 222.]

Materials and successive stages of conversion.	Expenditures for direct labor.	Other expenditures.						Total.
		Officials and clerks.	Supplies and repairs.	Taxes.	Transportation to point where used.	Timber.	Differences between foregoing actual costs and costs as charged by establishment where used—presumably profits to producers.	
For production of 5,701 pounds of iron ore	$0.957	$0.028	$0.206	$0.033	$3.744	.....	$3.815	$8.783
For production of 1,582 pounds of limestone	.174	.016	.021	.001	.086	.....	.....	.298
For production of 4,927 pounds of bituminous coal	2.326	.175	.315	.042	.....	$0.480	.....	3.338
For conversion of above coal into 3,509 pounds of coke	.590	.051	.047	.024	.064	.....	.....	.776
For conversion of above ore, limestone, and coke into 3,061 pounds of pig-iron	1.246	.021	*a* .381	(*a*)	.....	.....	1.476	3.124
For conversion of above pig-iron into 2,612 pounds of steel ingots	.512	.110	.852	.012	.....	.....	.....	1.486
For fuel (782 pounds of coke) for conversion of above pig-iron into 2,612 pounds of steel ingots	.649	.050	.081	.016	.....	.107	.....	.903
For conversion of above steel ingots into 2,580 pounds of steel blooms	.203	.049	.240	.049	.....	.....	.....	.541
For fuel (217 pounds of coke) for conversion of above steel ingots into 2,580 pounds of steel blooms	.186	.014	.022	.005	.....	.030	.....	.251
For conversion of above steel blooms into one ton (2,240 pounds) of steel rails	1.043	(*b*)	*b* .448	.010	.....	.....	.....	1.501
For fuel (474 pounds of bituminous coal) for conversion of above steel blooms into one ton (2,240 pounds) of steel rails	.224	.017	.030	.004	.....	.046	.....	.321
Total gross cost of one ton (2,240 pounds) of steel rails	8.104	.531	2.643	.196	3.894	.663	5.291	21.322
Deduct value of scrap produced in ingot, bloom, and rail departments	.....	.....	.....	.....	.....	.....	.....	1.687
Total net cost of one ton (2,240 pounds) of steel rails	.....	.....	.....	.....	.....	.....	.....	19.635

a Taxes are included in "Supplies and repairs" not separable. *b* Salaries paid officials and clerks are included in "Supplies and repairs" not separable.

STATEMENT SHOWING THE PROPORTION OF COST ATTRIBUTABLE TO DIRECT LABOR IN THE PRODUCTION OF ONE TON OF STEEL RAILS.

Total cost of ore, limestone, and coke (coal included) for 3,061 pounds of pig-iron		$13.195
Cost of direct labor in production of ore, limestone, and coke (coal included) for 3,061 pounds of pig-iron		4.047
Per cent. of cost of direct labor in production of ore, limestone, and coke (coal included) for 3,061 pounds of pig-iron	31	.....
Total cost of converting the above materials into 3,061 pounds of pig-iron		3.124
Cost of direct labor in converting the above materials into 3,061 pounds of pig-iron		1.246
Per cent. of cost of direct labor in converting the above materials into 3,061 pounds of pig-iron	40	.....
Total cost of converting the above pig-iron into 2,612 pounds of steel ingots		2.389
Cost of direct labor in converting the above pig-iron into 2,612 pounds of steel ingots		1.161
Per cent. of cost of direct labor in converting the above pig-iron into 2,612 pounds of steel ingots	49	.....
Total cost of converting the above steel ingots into 2,580 pounds of steel blooms		.792
Cost of direct labor in converting the above steel ingots into 2,580 pounds of steel blooms		.383
Per cent. of cost of direct labor in converting the above steel ingots into 2,580 pounds of steel blooms	48	.....
Total cost of converting the above steel blooms into one ton (2,240 pounds) of steel rails		1.822
Cost of direct labor in converting the above steel blooms into one ton (2,240 pounds) of steel rails		1.267
Per cent. of cost of direct labor in converting the above steel blooms into one ton (2,240 pounds) of steel rails	70	.....
Total net cost of above ore, limestone, and coke (coal included) and of converting them into one ton (2,240 pounds) of steel rails		19.635
Cost of direct labor in the production of the above ore, limestone, and coke (coal included) and in converting them into one ton (2,240 pounds) of steel rails		8.104
Per cent. of cost of direct labor in the production of the above ore, limestone, and coke (coal included) and in converting them into one ton (2,240 pounds) of steel rails	41	.....

51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 213.

ANNUAL REPORT

OF THE

LIBRARIAN OF CONGRESS,

EXHIBITING

THE PROGRESS OF THE LIBRARY

DURING THE

CALENDAR YEAR 1889.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1890.

ANNUAL REPORT

OF THE

LIBRARIAN OF CONGRESS.

LIBRARY OF CONGRESS,
Washington, June 20, 1890.

The undersigned presents herewith his annual statement of the progress of the library and the copyright business for the calendar year 1889, closing on the 31st of December last

Increasing difficulty has attended the annual enumeration of the books in the Library, growing out of its still more overcrowded condition, scattered as are large portions of its stores in remote apartments in various parts of the Capitol. The count exhibits an aggregate of 633,717 volumes, besides about 206,000 pamphlets. The law department (included in the above aggregate) embraces 81,228 volumes. The increase of the year 1889 has been 17,936 volumes, derived from the following-named sources:

From purchase	3,246
From copyright	10,580
From deposit by the Smithsonian Institution	1,720
From additions to the Toner collection	178
From donations	1,231
From exchanges	981
Total	17,936

The copyright department exhibits an increased number, both of entries and of deposits of publications, over the year preceding (1888). There were entered from January to December, 1889, inclusive, an aggregate of 40,985 copyright titles, as against a total of 38,225 entries in 1888. The amount of fees received for copyright records was $33,085.38, being an increase of $1,981.63 over the preceding year.

The different classes of publications entered for copyright are enumerated in the following table:

Number of articles entered in 1889.

Books	15,380
Periodicals	7,646
Musical compositions	8,958
Dramatic compositions	620
Photographs	2,242
Engravings and chromos	2,138
Prints and cuts	742
Designs	938
Drawings	85
Paintings	267
Maps and charts	1,969
Total	40,985

The aggregate number of publications deposited in the copyright office, under each head, is exhibited in the following:

Number of copyright articles received in 1889.

Books (including all printed matter so designated)	21,160
Periodicals	13,260
Musical compositions	15,694
Dramatic compositions	349
Photographs	5,060
Engravings and chromos	4,240
Prints and cuts	502
Designs and drawings	398
Paintings	121
Maps and charts	2,298
Total	63,082

As law requires two copies of each publication entered for copyright to be deposited, the net additions to the collections during the year from this source were approximately 31,541, of which 10,580 were books and 6,630 periodicals. The deficiency of deposits (as explained in former reports) does not arise wholly from negligence on the part of authors and publishers, although this is the chief source of the discrepancy shown between the number of entries and that of deposits. Of dramatic compositions comparatively few copies are deposited, the stage representation constituting the only publication of many plays, while others remain permanently in manuscript. There are also many entries of copyright which are not followed up by publication, or which are published under another title, causing duplications of entries.

There remained to the credit of the library funds January 1, 1890, the following balances unexpended:

Fund for increase of the library	$7,640.51
Fund for contingent expenses of library	965.80
Fund for printing and binding	8,541.90
Fund for printing unpublished historical documents relating to early French discoveries in America	1,953.44

THE TONER LIBRARY.

The collection of books, pamphlets and manuscripts, donated to the Government by Dr. J. M. Toner, of Washington, has been further increased by the addition of one hundred and seventy-eight books during the year. The same gentleman has entered upon an extensive collection of all letters and papers from the hand of George Washington, excerpting from books and periodicals such as have appeared in print, and adding verbatim copies of all unpublished manuscript letters of Washington, wherever found. This valuable and interesting collection will form a part of the Toner library here deposited.

The undersigned again records the need of increased clerical help in all departments of the library service. It is with regret that the Librarian has found it necessary to employ more and more of the assistants who should be occupied with catalogue work, upon the exacting and rapidly growing labors of the copyright department, to avoid falling into serious arrears. An additional number of assistants should be provided, to promote the efficiency of the library service as well as that of the copyright department.

The new library building has made gratifying progress during the year, and promises to advance still more rapidly in the work of construction the present season. There is every reason for the belief that this long-deferred public necessity has at last been provided for with a liberality and energy worthy of the great end in view.

AINSWORTH R. SPOFFORD,
Librarian of Congress.

Hon. W. M. EVARTS,
Chairman of the Joint Committee on the Library.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 214.

IN THE SENATE OF THE UNITED STATES.

AUGUST 16, 1890.—Ordered to be printed.

Mr. QUAY gave notice that on Monday next he would submit the following

ORDERS:

1. *Ordered*, That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (H. R. 9416); conference reports; general appropriation bills; pension bills; bills relating to the public lands; to the United States courts; to the postal service; to agriculture and forestry; to public buildings; and Senate or concurrent resolutions.

2. *Ordered*, That the consideration of all bills other than such as are mentioned in the foregoing order is hereby postponed until the session of Congress to be held on the first Monday of December, 1890.

3. *Ordered*, That a vote shall be taken on the bill (H. R. 9416) now under consideration in the Senate and upon amendments then pending without further debate on the 30th day of August, 1890, the voting to commence at 2 o'clock p. m. on said day and to continue on that and subsequent days to the exclusion of all other business until the bill and pending amendments are finally disposed of.

Notice is hereby given, pursuant to Rule XL, that the foregoing orders will be offered for adoption in the Senate.

It is proposed to modify, for the foregoing stated purpose, the following Rules, viz: VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. 214, Part 2.

IN THE SENATE OF THE UNITED STATES.

AUGUST 18, 1890.—Ordered to be printed.

Mr. QUAY, pursuant to notice, submitted the following

ORDERS:

Resolved, That the following orders be adopted for the government of the Senate during the present term of Congress:

Ordered, 1. That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (H. R. 9416); conference reports; general appropriation bills; pension bills; bills relating to the public lands; to the United States courts; to the postal service; to agriculture and forestry; to public buildings; and Senate or concurrent resolutions.

Ordered, 2. That the consideration of all bills other than such as are mentioned in the foregoing order is hereby postponed until the session of Congress to be held on the first Monday of December, 1890.

Ordered, 3. That a vote shall be taken on the bill (H. R. 9416) now under consideration in the Senate and upon amendments then pending without further debate on the 30th day of August, 1890, the voting to commence at 2 o'clock p. m. on said day and to continue on that and subsequent days to the exclusion of all other business until the bil and pending amendments are finally disposed of.

For the foregoing-stated purpose the following rules, namely: VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL are modified.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 215.

IN THE SENATE OF THE UNITED STATES.

AUGUST 18, 1890.—Ordered to be printed.

Mr. PLUMB submitted the following

RESOLUTION:

Resolved, That the Committee on Rules be directed to make such order as shall wholly prevent the sale and drinking of spirituous, vinous, or malt liquors in the Senate wing of the Capitol.

51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 216.

IN THE SENATE OF THE UNITED STATES.

AUGUST 18, 1890.—Ordered to be printed.

Mr. PLUMB submitted the following

RESOLUTION:

Resolved, That the Commissioners of the District of Columbia are hereby directed to make forthwith to the Senate a full and complete report containing copies of all charges and complaints, and by whom made, against Lieutenant Guy, of the police force, and of all testimony and statements taken by or made to said Commissioners, or either of them, concerning such charges, and whether said Guy in his trial was informed of all the charges and complaints made against him by any and all persons to said Commissioners, or either of them, and if not, the reasons therefor, and what action has been taken in said trial, or otherwise, concerning said charges.

O

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 217.

IN THE SENATE OF THE UNITED STATES.

AUGUST 19, 1890.—Ordered to lie on the table and be printed.

NATIONAL PROHIBITION OF TRAFFIC IN ALCOHOLIC LIQUORS.

Statements of Mrs. Ada M. Bittenbender, Dr. C. N. Whitney, Samuel D. Hastings, W. Jennings Demorest, Rev. R. D. Munger, George F. Niver, John Lloyd Thomas, George M. Powell, W. Martin Jones, Mrs. Lydia H. Tilton, and Louis Schade at a joint meeting of the Senate Committee on Education and Labor and the House Committee on the Alcoholic Liquor Traffic to consider the joint resolution (S. R. 2) proposing an amendment to the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors, held June 14, 1890.

WASHINGTON, D. C., *Saturday, June* 14, 1890.

At a joint meeting of the Senate Committee on Education and Labor and the Committee on the Alcoholic Liquor Traffic of the House of Representatives, held in the Senate Reception Room, there were present: Senators Blair (chairman), George, Payne, and Representatives Taylor, Struble, Sawyer, Morse, Pickler, Lewis, Skinner, and Quinn.

The CHAIRMAN. This is to be a joint hearing of the two committees of the House and Senate who have jurisdiction of the bills on the liquor traffic under the rules of the two Houses, and the hearing this morning is to be upon the proposed prohibitory amendment to the Constitution of the United States. The resolution perhaps had better be read first. It is in the ordinary form of a joint resolution, and is as follows:

JOINT RESOLUTION proposing an amendment to the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be, and hereby is, proposed to the States, to become valid when ratified by the legislatures of three-fourths of the several States as provided in the Constitution:

ARTICLE —.

SECTION 1. The manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage shall be, and hereby is, forever prohibited in the United States and in every place subject to their jurisdiction.

SEC. 2. Congress shall enforce this article by all needful legislation.

Mrs. Bittenbender will be in charge of the presentation or introduction of the speakers, and will herself first address the committee.

STATEMENT OF MRS. ADA M. BITTENBENDER,

Superintendent of Legislation and Petitions National Woman's Chistian Temperance Union and chairman of the national prohibitory amendment committee for Congressional work.

Mr. Chairman and Gentlemen: This joint Congressional hearing was kindly granted to the national prohibitory amendment committee for Congressional work. This committee consists of the general officers of the several national temperance societies of the country which advocate the total abolition of the traffic in alcoholic beverages, the general officers of the national executive committee of the Prohibition party, and the superintendent of legislation and petitions of the National Woman's Christian Temperance Union.

The organizations represented here to-day are: The Right Worthy Grand Lodge of the Independent Order of Good Templars, organized in 1857; National Prohibition party, organized in 1869; Supreme Council Royal Templars of Temperance, organized in 1872; National Woman's Christian Temperance Union, organized in 1874; the Arbitration Council, organized in 1885; National Anti-Nuisance League, organized in 1887; National Young Men's Prohibition League, organized in 1888; National Prohibition Press Association, organized in 1888; and the Non-Partisan National Woman's Christian Temperance Union, organized in 1890.

The National Woman's Christian Temperance Union, which I have the honor to represent as its superintendent of legislation and petitions, is a society composed of auxiliary unions organized in every State and Territory of the United States and in the District of Columbia. Its local unions are organized in about ten thousand towns and cities. It is the largest society ever formed composed exclusively of women, having a membership of 150,000 and a *following* of at least 250,000.

The appearance here of the national prohibitory amendment committee for Congressional work is in furtherance of the "plan of canvass" contained in the National Prohibitory Amendment Guide. This manual was issued last November. It is non-partisan. The canvassing under it will be non-partisan. A résumé of the canvass is given in the manual. I will read a part of it that there may be a clear understanding of the object of the canvass and the methods to be pursued in attaining it.

RÉSUMÉ OF THE CANVASS.

The object of the canvass is to obtain an amendment to the national Constitution, forever prohibiting in the United States, and in every place subject to their jurisdiction, the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage.

The plan of canvass is contained in the National Prohibitory Amendment Guide. Its main feature is to register national constitutional prohibitionists and to proclaim their number from time to time, as the work progresses, to the law-makers and people in general. At present there is no way of determining their numerical strength.

It is hoped that the footings of this register, in the near future, will indicate that one-half of the adult people of the United States have enlisted in the war for the extermination of the traffic in alcoholic beverages, and desire that the Constitution shall express the national will on the subject. When this is so shown, it is believed that the amendment will be proposed and ratified.

The canvassing is to be carried on by three classes of national prohibitory amendment committees, composed of representatives of the various prohibition organizations of the United States, viz:

(1) National prohibitory amendment committees for local work.
(2) National prohibitory amendment committee for Congressional work.
(3) National prohibitory amendment committees for State legislative work.

* * * * * * *

The local canvassing is to be carried on in canvassing districts, each consisting of one school district, except in large cities, where the school district may be divided into several canvassing districts.

The Woman's Christian Temperance Union having made this amendment a special line of work, having county and district as well as local and State organizations through which to carry it on, and having a special department, that of legislation and petitions, ready to do its bidding, the initiatory steps for the organization of these committees and the responsibility for executing a part of the system of official reporting are committed to its care.

The canvass is to be carried on simultaneously throughout the entire country.

Committee work is classed under two general heads, viz: First, before proposal of the amendment; second, after proposal of the amendment.

Under the first general head the work is subdivided into seven distinct branches, the first six to be carried on by local committees and the seventh by the national committee, viz: (1) Registering national constitutional prohibitionists. (2) Congressional petition work. (3) Public discussions. (4) Press work. (5) Distribution of literature. (6) Reporting local work to prohibition organizations. (7) Congressional canvassing and reports.

Under the second general head the work is subdivided into two distinct branches, the first to be carried on by the local committees and the second by the State committee, the former local work as far as applicable being continued, viz: (1) State legislative petition work. (2) State legislative canvassing.

* * * * * * *

Prohibition work already being done is not to be duplicated.

Under "Public discussions," the plan is not to engage speakers and arrange for meetings, as that work is being done by the several prohibition organizations represented on committees, but to request each speaker on prohibition to *dwell* on the national phrase, to ask clergymen for frequent reference, and to keep a record of sermons and addresses which advocate, and of those which oppose, this phase. * * *

Under "Press work," facts of general interest growing out of the canvass are to be gleaned and published from week to week, the part of meetings and sermons advocating national prohibition to be specially reported. The plan includes also the securing inserted in the local press of pointed paragraphs and articles on national prohibition.

National prohibitory amendment leaflets, covering the various reasons for, and answering common objections against, this method of outlawing the poisonous drink traffic, are to be distributed freely.

The system of official reporting provides for monthly and semi-annual reports from national prohibitory amendment committee for local work, and for annual reports from the national prohibitory amendment committee for Congressional work. It also provides for reports of the progress of the canvass, after proposal of the amendment, from national prohibitory amendment committees for State legislative work. These reports are to be made to the several prohibition organizations represented on the respective committees. The press is to be furnished with a *résumé* of each report.

In registering national constitutional prohibitionists, all are to subscribe to a pledge declaring themselves in favor of the amendment, and that they will petition for its proposal by Congress and ratification by their respective State legislatures. At the time of this registration the petitions to Congress are to be signed. Adults and minors over sixteen are to be enrolled. Names of voters and non-voters are to be kept separate. The one registration is to answer for the entire campaign, deaths, removals from the convassing district, and withdrawal of names, being duly noted. No name is to appear on petitions to Congress not first appearing subscribed in a canvassing register, for retention by the committee.

Upon indorsement of the "Plan of canvass" by the National Woman's Christian Temperance Union, and the general officers and superintendents of legislation and petitions of the several State and Territorial woman's Christian temperance unions, copies of the manual were sent to the local unions throughout the country, and organization of national prohibitory amendment committees for local work has been begun.

A joint resolution proposing an amendment to the Constitution of the United States in relation to alcoholic beverages was introduced in the Forty-fourth Congress on December 12, 1876, by the Hon. Henry W. Blair, then a member of the House of Representatives. This was the first measure of the kind ever presented in our national legislature, and preceded by several years any effective proposal of a prohibitory amendment to the constitution of a State.

The form of the amendment as first introduced "proposed to become operative absolutely by national law against the distilled drinks from and after the year 1900, and at once, for all time, give to the States unfettered control to prohibit the traffic in both distilled and fermented liquors. The original form was re-introduced in every succeeding Congress until the Fiftieth, when the present form, which has the united approval of all temperance orginizations of the country, was introduced in its stead. The original form was not generally supported by these organizations because of its discrimination concerning fermented liquors.

The records of Congress show that for several years prior to the first introduction of the amendment memorials and petitions commenced to be received by Congress praying for the submission of such an amendment. These, variously worded and numerously signed, were from individuals, churches, and the different temperance societies of the country—national, State, and local. For example, a petition presented in the Senate on February 15, 1875, was signed by over 1,200 citizens of South Carolina, and asked Congress for submission of "an amendment to the Constitution to prohibit the manufacture, importation, and sale of all intoxicating liquors, to take effect on the 1st day of January, 1876, or as soon thereafter as possible." The following extract from the Senate report on the amendment, made July 9, 1888, shows the amount of petitioning which had been accomplished at that time by the combined forces at work:

> Judging from the petitions which have been presented to Congress during the last few years, many of which are representative of great bodies and of communities whose individual signatures have not been obtained, it can hardly be doubted that at least ten millions of the American people are desirous of national legislation for the destruction of poisonous, that is to say of alcoholic, drinks.

After that report, during the Fiftieth Congress, the Woman's Christian Temperance Union collected and forwarded to Congress more than fifty thousand individual signatures. They have increased the number by many thousands so far this Congress. Besides, since that report several memorials and petitions, officially signed, representing large associations, have been received by Congress. The most notable one was the memorial signed by the committee appointed by the National Council of the Congregational Churches of the United States, which represented 4,277 churches containing 436,399 members. The records of Congress do not show any memorials or petitions against the amendment as having been received. The amendment was favorably reported by the Senate Committee on Education and Labor in the Forty-ninth and Fiftieth Congresses, and a minority report in its favor was returned by the House Committee on the Judiciary in the Fiftieth Congress. While this matter has been pending in Congress nearly fourteen years no vote has been had on it in either body, except on a motion for its consideration, made in the Senate during the dying hours of the last Congress, March 2, 1889, which motion was not agreed to. The yeas were 13, the nays 33; thirty Senators were either absent or paired.

While addressing the House Committee on the Alcoholic Liquor Traffic in the early part of this session of Congress, on two of the bills referred to that committee, I asked for a hearing on the joint resolution for constitutional prohibition in behalf of the National Prohibitory Amendment Committee for Congressional Work. In response, the Hon. David Kerr requested that when the matter should be presented, we fix our attention to this question: "As to whether it is desirable to change our form of government so that the unit of legislation in regard to social

evils (including intemperance) should be changed from the State to the National Government." Mr. Kerr, continuing, said:

> The State is regarded as the unit of legislation. There are many evils now. This proposes to make a new departure, so as to make the nation responsible for one special evil. I would like to know why that should be made (in regard to this case) an exception rather than in other kinds of crime.

I promised that we would try to cover the point at the hearing.

My answer is this: It is the nefarious traffic in alcoholic beverages, and not the evil of intemperance as such, that we are asking legislation against. The proposed amendment reads:

> SECTION 1. The manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage shall be, and hereby is, forever prohibited in the United States and in every place subject to their jurisdiction.
> SEC. 2. Congress shall enforce this article by all needful legislation.

The liquor curse is a business. It is commerce. It is interstate and international as well as State commerce. It is based upon production which goes on in foreign countries and in the several States. It finds an appetite, or a demand, in every community throughout the whole country. That leads to interchange, traffic, commerce, everywhere, regardless of State lines, between producers and consumers.

Thus, from the nature of the business, it must be under the same powers as those which control commerce generally, that is, national powers. It is not a mere State matter and can not be made so. Murder is not commerce. Theft and robbery and arson are individual actions and are not the outgrowth of industries and general relations which exist regardless of State or sectional lines. Intemperance *is* such an outgrowth. Commerce in intoxicants, and the evils arising therefrom, are so closely blended as to be indistinguishable in the minds of most people. No other article of commerce is so situated.

This amendment to the National Constitution proposes to place the General Government in harmony with, instead of antagonistic to, enlightened State legislation for suppression of this bad business, to re-enforce instead of nullifying such legislation on the plea that alcoholic drinks are "merchantable commodities or known articles of commerce," and that Congress, under its constitutional grant of the power to regulate the commerce may establish trade among the States of the Union in such commodities or articles. In fact, it proposes to declare, as the will of of this great American people, that throughout the nation's domain there shall be no rights of property in that which has been found to be so universally destructive to social happiness and public order. If the effect of doing this would be to make "the nation responsible for one special evil," so be it. And since intemperance is and other social evils are not the outgrowth of general commercial relations this fact alone, it seems to us, would be reason enough for the exception.

I will review briefly legislation on the liquor traffic in the colonies and United States of America as an aid to the question under consideration, the proposal of this amendment.

The alcoholic liquor traffic was hoary with age before the birth of Christ. Its beginning is lost in antiquity, and with it the beginning of drunkenness and adoption of laws to enforce sobriety. Wine and malt liquors constituted the intoxicants of the nations until about the twelfth century, A. D., when the discovery of distillation added ardent spirits to the list.

The traffic had long been licensed in England at the time of the first successful English settlement in America, at Jamestown, in 1607. The license system in the United States, from adoption of laws of the mother

country, began with the beginning of the traffic here, which beginning, history indicates, closely followed, if it were not contemporary with, the settlement at Jamestown.

Two incongruous pieces of liquor legislation, but in harmony with both English statute law and ancient custom, one making a crime of that which is always the effect of the other, began at the beginning of colonial legislation and kept pace with each other throughout colonial life—namely, laws to punish drunkenness and those to promote and foster the domestic manufacture of intoxicants. These incongruous parts made up the entire liquor legislation of the first legislative assembly ever convened by Anglo-Americans, that of Virginia, in 1619. The first, against drunkenness, reads:

Against drunkenness be it also decreed, that if any private person be found culpable thereof, for the first time he is to be reprooved privately by the minister; the second time publiquely; the thirde time to lye in botles 12 howers in the House of the Provost Marshall, and to pay his fee; and if he still continue in that vice, to undergo suche severe punishment as the Governour and Counsell of Estate shall thinke fitt to be inflicted on him. But if any officer offende in this crime, the first time he shall receive a reproof from the Governour; the second time he shall openly be reprooved in the churche by the minister; and the thirde time he shall first be committed and then degraded. Provided it be understood that the Gov'r hath always power to restore him, when he shall in his discretion thinke fitt.

The second of these enactments, making the planting of grape vines compulsory to encourage the wine industry—the London Company having sent in that year "divers skilful viguerons with a store of vine plants of the best sort"—reads:

Moreover, be it enacted by this present assembly, that every householder doe yearly plante and maintain ten vines, untill they have attained to the arte and experience of dressing a vineyard, either by their owne industry, or by the Instruction of some vigueron. And that upon what penalty the Governour and Counsell of Estate shall thinke fitt to impose upon the neglecters of this acte.

Hand in hand with the fostering of the wine industry went the fostering of malt and distilled liquors, one or more of these industries receiving special encouragement from the government in each of the several colonies.

The first license law enacted on American soil, so far as the old records extant show, was that of the Massachusetts Bay Colony, of July 2, 1633, which provided "That noe person shall sell either wine or stronge water, without leave of the Gov'r or Deputy Gov'r."

Its discrimination in favor of malt liquors, not requiring permission to sell beer, ale, etc., was probably due to the belief of their wholesome qualities, which were not likely to be overcome by excessive use as were those of distilled liquors. This belief was very generally entertained during colonial days, and for fifty years after independence, notwithstanding the showing of history for centuries before directly to the contrary, especially the centuries preceding the discovery of distillation, when the drunkenness and crimes committed in drunken sprees, the recital of which fills so large a space in ancient records, were the results of the use of fermented drinks solely. Later laws of this colony included malt liquors in prohibiting sales without license, which was also the general rule in the other colonies. The second license law, that of New Plymouth Colony, enacted March 2, 1635, made similar discrimination, but during the revision of laws the following year was amended to read:

That none be suffered to retale wine, strong water or beere either within doores or without except in Inns or Victualling howses allowed. And that no beere be sold in any such place to exceed in price two pence the Winchester quart.

The provision regulating the price of beer was a common one in all of the colonies, and not only in regard to beer, but was often extended to other drinks, distilled as well as fermented, both of foreign and home make, the intent of law-makers, as shown in enactments, being to protect consumers against exorbitant charges through greediness of gain. Consumers were protected against adulterated liquors also. From a study of the laws one is led to believe that the daily use of alcoholic beverages was considered essential to happiness and good living by our colonial ancestors, excessive indulgence only being discountenanced. A law of Massachusetts, enacted in 1644, repealing one against selling to Indians, well illustrates this point. It reads:

> The court apprehending yt is not fit to deprive ye Indians of any lawful comfort wch God aloweth to all men by ye use of wine, do ordr yt it shalbe lawfull for all such as are or shalbe alowed license to retaile wines to sell also to ye Indians so much as may be fit for their needful use or refreshing.

But that the legal encouragement given to the supposed needful use often led to excessive indulgence—even to a high state of intoxication (defined by the New Plymouth Colony, in 1646, as "By drunkeness is understood a person that lispes or faulters in his speech by reason of overmuch drinke or that stagers in his goeing or that vomitts by reason of excessive drinking or cannot follow his calling")—the colonial court records extant are witnesses which furnish an instructive as well as interesting study. When penalties for drunkenness were left to the courts, the case in most of the colonies, the court records disclose what they were. For first offenses a small fine was usually imposed. For second and subsequent offenses a seat in the bilboes or stocks, or a whipping was frequently decreed, with or without fine, the severity of the punishment increasing with each repetition of the offense. Sometimes the offender was required to wear on his outside garment the letter D or the word drunkard, and occasionally one was disfranchised. For the second recorded offense, a Massachusetts court, in 1634, "ordered that Robert Coles, for drunkenes by him committed att Rocksbury, shalbe disfranchised, weare aboute his necke, & soe to hange upon his outward garment a 'D' made of redd cloath and sett upon white, to contynue this for a yeare." Soon following this case was that of Edward Seale, who, "for his beastly drunkennes was censured to bee set in the bilboes till the end of the court, & then to bee severely whiped." The fact that drunkenness continued to increase, notwithstanding the severity of penalties, which were expected to act as deterrents, is shown also in the preambles of laws passed from time to time to prevent the evil. One of the earliest, dated November 20, 1637, only a little over four years after the enactment of the first license law, reads:

> WHEREAS, It hath appeared unto this court, upon many sad complaints, that much drunkenness, waste of the good creatures of God, mispence of precious time, and other disorders have frequently fallen out in the inns and common victualling houses within this jurisdiction [Massachusetts], whereby God is much dishonored, the profession of religion reproached and the welfare of this commonwealth greatly impaired, and the true use of such houses, being the necessary relief of travellers, subverted.

The body of the law prohibited the sale in inns and victualling houses of intoxicants, light malt liquors excepted. In regard to this subversion, whereby these places were little more than "tippling houses," the complaint was common in the other colonies, as shown also in preambles of laws. Merchants, public brewers, distillers, etc., besides victualers and inn-keepers, were licensed to sell liquors, usually not to be drank on the premises where sold; but to Massachusetts, the home of the Pilgrims,

belongs the credit of passing the first law for a liquor saloon, pure and simple, as well as the first license law, and that as early as 1639. The act reads:

It is further ordered that every towne shall have liberty from time to time, to choose a fit man to sell wine, the same to be allowed by license. . . . . and that it shall be lawful for such person allowed to retaile wine, to let wine be drank in his house; *provided*, that if any person shall be made drunk in any such house, or any immoderate drinking suffered there, the master of the family shall pay for every such offense five pounds.

The penalty part was an admirable feature. The preamble of another law of the Pilgrims, helping to account for the growing evil of intemperance, well worthy of note, dated May 14, 1645, reads:

WHEREAS, It is found, by too common & sad experience in all parts of ye colony, y't ye forcing of laborers & oth'r workman to take wine in pay for ye labor is a great nursery or preparative to drunkennes & unlawful tipling, occasioning ye private meetings of profane persons, whereby youth is drawn aside to lewdnes, ye good creature of God notoriously abused, etc.

It was ordered that no one be "inforced or presed to take wine in pay for his labor." The practice of paying for labor in wine, and sometime in other intoxicants, was common also in the other colonies.

The colonists early adopted the method of making the tariff a source of revenue through duty on liquors imported, excise on the domestic, and license fees. The duty was laid also to serve as protection for home products. Again, using the colony of the Pilgrims to cite from in illustration, a law adopted May 14, 1645,

Ordered y't all wines wch shalbe brought into ye colony . . . . shall pay (by way of custome or imposition) ye four & twentieth part of ye true valewe of all such wine so brought. . . . . And it is further ordered y't all such as are or shall be licensed to retaile wines (over & above ye imposition before mentioned to be paid on ye landing) shall pay for evry butt of wine, & so proportionable for every smaller vessell, ye twentieth part of ye valewe of such wine.

Under a law enacted in 1638 to encourage distillation, distilled liquors made in the colony only were allowed to be sold, which accounts for this class of intoxicants not being included. Excise was soon after imposed on domestic liquors, and from time to time, as the needs of government required, usually at less rates than those on imports to carry out the protective policy. The excise law of 1668 included ale, beer, and cider. Cider, which was made by nearly every owner of an apple orchard, had been listed with intoxicants, requiring license to sell, since about the middle of that century. A law exacting annual license fees, enacted in 1646, reads:

All licenst persons shall annually pay to ye common treasury, proportionably to ye place, where he lives, he Gen'rall Corte renuing annually their licenses on such meete fines as they shall determine, etc.

The act fixed the rates for the first year, requiring licenses of Boston, Charlestown, and Salem to pay £15 per annum; of Cambridge, £3, etc. This method grew so rapidly in favor that ere the year 1700 had dawned the traffic was furnishing the principal part of the revenue in most, if not in all, of the colonies; large consumption of these so-called "good creatures of God" being always a certainty. In fact, before the year 1700 the manufacture in the colonies of all kinds of intoxicants under encouragement of government had reached immense proportions. Those imported from colony to colony were taxed as well as those hailing from transatlantic ports.

During the eighteenth century to the breaking out of the Revolutionary war statutes relating to the liquor traffic continued to undergo fre-

quent amendment, the desire being as hitherto to encourage and protect the domestic manufacturer, guard consumers against exorbitant charges and adulterated liquors, curb drunkenness, prevent unlicensed sales and smuggling, and to secure revenue in accordance with the needs of Government. The wording of the various laws shows that unlicensed sales and smuggling continued common practices, and that all attempts to curb drunkenness *while nurturing its cause* were as unsuccessful then as now, as unsuccessful then as before during the centuries—*always miserable failure.*

The Revolutionary soldiers were supplied with liquor rations daily as a matter of course. The provisions ordered by the general assembly in May, 1775, to be issued to the Connecticut troops included "three pints of beer per diem, or spruce sufficient * * * and one gill of rum per man on fatigue days only." Massachusetts, by resolution of her provincial congress, June 10, 1775, provided "that each soldier in the Massachusetts army shall have the following allowance per day, viz, * * *.—Article 4. One quart of good spruce or malt beer." In addition, liquors could be obtained of the sutlers, except a few hours, during the night time. Rule 64 of the Rules and Regulations of the Continental Army, adopted by the Continental Congress of the United Colonies, June 30, 1775, provided that "no sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after 9 at night or before the beating of reveilles." The Continental Congress, November 4, 1775, in ordering provisions for the new Army to lie before Boston, made a ration contain "one quart of spruce beer or cider per man per day;" and November 28, 1775, made a Navy ration contain "half a pint of rum per man every day, and discretionary allowance on extra duty and in time of engagement."

In consequence of liquor so furnished "the diseased appetite was not only fostered where it already existed, but was also awakened in many who had not hitherto experienced its insatiable longings." (Boys over sixteen years of age were enlisted.) On being discharged this appetite followed the soldiers to their homes and continued to grow upon them, and attached itself to other members of their communities before quite free from its thralldom, until the whole country seemed stricken with intemperance, which continued its ravages with increasing power until about the year 1825, when its greatest virulence known in American history was reached.

This appetite existing, the fact of its existence was taken into consideration in planning for revenue to run the Government and pay off the enormous war debt, which, with a depleted Treasury, confronted the First Congress under the Federal Constitution. Moral considerations were not permitted to have weight. On being presented, while considering the rate of duty to be laid on rum, Lawrence, of New York, expressed what then was, and since evidently has been, the majority view of Congress. He said:

> If we are to reason and act as moralists on this point, I am certain it is the wish of every member to prevent the use of ardent spirits altogether, for their influence on the morals of the people is of the most pernicious kind. Nor does the mischief terminate here, as I apprehend it is equally destructive to the health; but we are not to deliberate and determine on this subject as moralists, but as politicians, and endeavor to draw (if I may use the expression) from the vices of mankind that revenue which our citizens must, in one form or other, contribute.

The policy of encouraging and protecting the manufacture of intoxicants was continued under the new form of Government from its begin-

ning, and since has been continued without interruption. The preamble of its first revenue law, heavy duty being laid on both distilled and fermented liquors, reads:

> Whereas it is necessary for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandise imported. (Passed July 4, 1789.)

While the people were "drinking down the national debt," as one Congressman aptly put it in favoring excise tax on domestic spirits, which, during the third session of the First Congress was added to meet the need for more revenue (causing the whisky insurrection of western Pennsylvania), the several State legislatures, appalled at the increase of intemperance and resulting evils, were vainly striving to stem the tide by making the license system more stringent. Provision after provision was added from 1780 to 1820 (the War of 1812 created another national debt, the drinking down of which greatly augmented the bad state of affairs), until, as Rev. Dr. Dorchester says, "it reached a degree of vigor not found in our more recent laws." Still was it ineffective, however perfect as a system; on, on went the disease like a whirlwind before a mole hill in its way.

Then came an awakening all over the land of temperance people to its inefficiency, and not only to this, but to the moral badness of the system as well. Hitherto their attention had been chiefly directed to the evils resulting from the liquor traffic, and not to the sanctioning of laws as being wrong in principle. "Down with the license system" became the cry.

Among the earliest results of the new movement was the amendment of laws so as either to make the licensing authority elective, instead of appointive, or to authorize direct vote on the question of license or no license. Within a few years no license prevailed in a large part of the country.

The next step was to effect repeal of the odious license laws, substituting therefor prohibitory laws. Partial concessions were made at first, such as prohibiting retail sales in less than specified amounts and in any amount to be drank on or about the premises where sold, and empowering towns and counties to "suppress the retail traffic on a petition signed by a majority of the adult male inhabitants." Then came the enactment of general statutes, Maine leading off in 1846 with a law prohibiting the sale of wines and distilled spirits, which she amended in 1848 by extending its provisions to all intoxicating liquors, and further amended in 1851 so as to include the manufacture, thereby making the demand complete, and her Maine law famous the world over as the signal light of the reform.

Laws similar to that of Maine, within four years after its passage, had been placed upon the statute books of six other States and two Territories, viz: Massachusetts, Rhode Island, Vermont, Connecticut, Iowa, Indiana, and the Territories of Minnesota and Nebraska. Foreign liquors in the hands of the importer and in unsealed casks or packages, which were imported under authority of the laws of the United States, were excluded from the operation of these several laws. Within the same time three other States adopted statutes prohibiting the sale but not the manufacture, viz: New York, New Hampshire, and Delaware. New York exempted cider, New Hampshire exempted domestic wine and cider, and Delaware exempted liquors manufactured by the seller from fruit or grain grown in the State. In each case the exemption did *not apply* to the liquors when drank on the premises where sold. Mich-

igan, in her constitution adopted in 1850, provided that the "legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or other intoxicating liquors." Her legislature in 1855 prohibited both manufacture and sale "except cider, beer, and wine of domestic manufacture." Her constitutional restriction was repealed in 1876. Ohio, in her constitution adopted in 1851, provided that "no license to traffic in intoxicating liquors shall hereafter be granted in this State; but the general assembly may, by law, provide against evils resulting therefrom." The Ohio constitutional restriction still exists. The State legislature in 1851 prohibited sales of "any spirituous liquors of any kind whatever to be drank in the place where sold," which law was amended in 1855 so as to cover all intoxicating liquors. The legislature of Illinois, in 1851, prohibited retailing liquors "by a less quantity than one quart," or "by any quantity, and suffer them to be drank in any house, tavern, store, etc." And in 1855 the Illinois legislature submitted to the voters of the State for ratification a law prohibiting both manufacture and sale, excepting cider and wine of state-grown fruit, and the manufacture of malt liquors for exportation. It failed of ratification by a very few votes.

In 1854 the Pennsylvania legislature submitted the question whether a prohibitory law, completely outlawing the nefarious traffic, should be enacted in that State or not. The question was decided adversely by a small majority. The next year the legislature prohibited Sunday selling and also week day selling, except by persons licensed to sell in quantities over one quart, keepers of "places of entertainment, amusement, or refreshment," not to be licensed. The legislature of Texas in1854 prohibited the licensing of persons "to sell spirituous or vinous liquors in less quantity than one quart, unless a majority of the qualified electors * * * cast their votes in favor of the granting of such license." Considerable additional prohibitory ground was gained in the States not mentioned, through carrying elections for no license, and other ways, from 1851–'55.

In speaking of the effect of this legislation, of the wonderful change in drinking habits, improvement in health, and the great moral and spiritual uplifting of the people which had been accomplished within twenty-five years, Rev. Dr. Dorchester says:

> Probably in no country, in so short a period, was there ever so radical a transformation. * * * Social life everywhere wore new aspects; the domestic economy of society was changed; *materia medica* felt the influence; the number, frequency, and fatality of diseases were reduced, and the moral and spiritual forces of the nation were greatly augmented.

But, unhappily, this period was succeeded by one unfavorable in the extreme for the temperance movement. For the six years before the firing on Fort Sumter, the four years of civil war, and the reconstructive years "violent agitations, heart-rending anxieties, new political problems of far-reaching influence, involving the profoundest thought in their solution, engrossed the attention."

During the rebellion the liquor ration—supplied daily to the Union Navy by act of Congress, and frequently often daily to the Union Army under regulations of the War Department—again did its deadly work, helped cruelly on by the licensed saloon as opportunity was given it. In the Confederate States the liquor traffic was continued and heavily taxed for revenue. Hon. Samuel C. Pomeroy, United States Senator from Kansas, in addressing the American Temperance Union in May, 1863, in regard to the Union Army, said:

> The vice of intemperance has followed the army, has visited the quarters of both officer and private, has taken down some of the bravest and truest of the land, who,

before, had always stood erect in their manhood and their pride. It has made disorderly and riotous the loyal camp of the soldier, has made disgraceful the tent of the officer, and, on more than one occasion, defeated and demoralized an army on the field of battle. Of the thirty thousand victims of disease and death attending on the Peninsular campaign the last year, at least ten thousand may be set down as chargeable to the daily ration of whisky and quinine. Intemperance and its fruits made such sad havoc in the Mexican war that it was feared that the dead would more than outnumber the living. General Scott said that in his Mexican campaign fifty per cent. of all he lost in his army, who are left in unmonumental graves, are there from this source, rather than from the bullets of the enemy. He therefore pleads with us to speak out and act effectively.

Effective speaking out and acting had to do mainly with Congress. The policy of Congress in regard to the liquor business was not to be changed in the face of another war debt of unprecedented magnitude, and the need of an enormous amount of revenue from day to day which the consumption of taxed liquors would largely and readily supply.

The unpatriotic forces of King Alcohol, love of money instead of country being the actuating power, were quick to see and take advantage of the auspicious time for them—auspicious especially in creating this necessity for an immense revenue, and that for many years to come. Willingly this time was the business subjected to excise in addition to impost. Why willingly? Because it meant another long lease of life for the business, it in turn being made to appear a necessity to be licensed and fostered as of old instead of prohibited. Besides, the tax money paid out would be returned in profits a hundred fold through increased sales and profits which the war would bring about.

And not only was it auspicious for them, this need of more revenue to run the General Government, but also in the need of more revenue for State purposes. Under the pressure of this need the old system of licensing the liquor traffic was again resorted to, at least for a season, in all but four of the States where prior to the war it had been discarded wholly or in part. Maine, Vermont, Iowa, and New Hampshire alone have held steadfast. Ohio people licensed the traffic under the name of "tax," a method employed to get around the anti-license provision of their constitution. This method is in effect the same as the old license system. In several States the two systems have fluctuated, those of prohibition and license, the success of either depending upon whether moral sentiment or greed was in the ascendency at the time. In the same way we may account for the changes witnessed in the counties, cities, and towns throughout the country, which, since the rebellion, have adopted prohibition and then fluctuated between the two systems.

Since the close of the reactionary period, notwithstanding the pressure for revenue, there has been much stable advance along the line of State prohibition. To-day six States, viz: Maine, Vermont, Kansas, Iowa, North Dakota, and South Dakota, have general prohibitory statutes, outlawing both manufacture and sale as a beverage of intoxicating liquors, the principle being embedded in the constitutions of all but two, those of Vermont and Iowa. Vermont is the only State which has not weakened her original prohibitory law. Her numerous amendments have all been of a strengthening character. The statutes of Iowa prohibit the manufacture of intoxicants for all purposes. New Hampshire has not worked up to a prohibition of the manufacture. Besides, through local option, special statutes, or both, the sale as a beverage of most or all intoxicating liquors is prohibited in a large part of several other States, viz: Arkansas, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, and Tennessee. And in every other State, through local option, special statutes, or the exercise

of discretion on the part of the licensing power, more or less territory has been carried for prohibition, which still prevails. Through act of Congress prohibition covers also the Indian Territory, Indian reservations, and Oklahoma. The large favorable vote in election contests on proposals of constitutional amendments, or recently under local option provisions, where prohibition has failed to carry, show other parts of the country almost ready to adopt the prohibitory *régime*.

The main argument used againt State prohibitory legislation is that prohibition does not prohibit. This argument is one of the strongest there is in favor of national prohibition. To be effective, the legislation must control the traffic from the point of manufacture or place of entering our national domain to the mouths of consumers. Such legislation requires the united action of both branches—State and national—of this complex Government. The review I have given shows a very large part, nearly if not quite one-half, of the area of the several States as being under local prohibition. It shows also that no re-enforcement has reached prohibitory localities through Congressional action.

It may be asked; should Congress pass an "original package bill," meeting the recent decision of the United States Supreme Court, would not that be sufficient? Let us see what certain Senators, in considering such a bill in the Senate a few days since, thought about it.

Senator Wilson, of Iowa, the introducer of the Senate's "original package bill," and who had it in charge in that body, in opening the discussion, said:

Mr. WILSON, of Iowa. Mr. President, I do not intend to enter upon an extended discussion of this bill. I shall not venture beyond a brief explanation of the inducing cause of the bill as amended, and the nature, character, and extent of the bill.

In the case recently decided by the Supreme Court of the United States, the case of Leisy & Co. *vs.* Hardin, on writ of error to the supreme court of the State of Iowa, the court, in its opinion, held the following language:

"The plaintiffs in error are citizens of Illinois, are not pharmacists, and have no permits, but import into Iowa beer which they sell in original packages, as described. Under our decision in Bowman *vs.* Chicago, etc., Railway Company, they had the right to import this beer into that State, and in the view which we have expressed they had the right to sell it, by which act alone it would become mingled in the common mass of property within the State. Up to that point of time, we hold that, in the absence of Congressional permission to do so, the State had no power to interfere by seizure, or any other action, in prohibition of importation and sale by the foreign or non-resident importer. Whatever our individual views may be as to the deleterious or dangerous qualities of particular articles, we can not hold that any articles which Congress recognizes as subjects of interstate commerce are not such, or that whatever are thus recognized can be controlled by State laws amounting to regulations, while they retain that character; although at the same time, if directly dangerous in themselves, the State may take appropriate measures to guard against injury before it obtains complete jurisdiction over them.

"To concede to a State the power to exclude, directly or indirectly, articles so situated, without Congressional permission, is to concede to a majority of the people of a State, represented in the State legislature, the power to regulate commercial intercourse between the States, by determining what shall be its subjects, when that power was distinctly granted to be exercised by the people of the United States, represented in Congress, and its possession by the latter was considered essential to that more perfect union which the Constitution was adopted to create. Undoubtedly there is difficulty in drawing the line between the municipal powers of the one government and the commercial powers of the other, but when that line is determined, in the particular instance, accommodation to it, without serious inconvenience, may readily be found, to use the language of Mr. Justice Johnson in Gibbons *vs.* Ogden (9 Wheat., 1,238), in 'a frank and candid co-operation for the general good.'"

This bill, in its amended form, is a response to the suggestion contained in this declaration of the court, that whatever restraint the Constitution may have placed upon this subject, so far as the original action of the State is concerned, Congress can give its permission to the exercise of the restraining power or police power of the State, and it is for the purpose of giving that permission that the bill has been presented in its amended form.

The effect of the bill, if it shall become a law, will be to leave every State in the Union free to determine for itself what its policy shall be in respect to the traffic in intoxicating liquors. If a State shall desire prohibition it can adopt it and exercise it and enforce it under the provisions of this bill. If it shall desire license, high or low, the same conditions will attend that policy so far as this bill is concerned. If it shall prefer to adopt the policy denominated local option, it may do that, so that the traffic may be allowed in such counties or cities as desire it and prohibited in others. But that each State shall be left to determine for itself what its policy in this regard shall be is this scope of the bill, its purpose, and its effect.

And, Mr. Chairman, since you are the author of the National Prohibitory Amendment and have labored in its interest these fourteen years, your views are also especially valuable. On the occasion referred to, you said:

Mr. BLAIR. Mr. President, I think if anything could have shown the impossibility—I may use that word perhaps—of dealing with the subject of the traffic in intoxicating liquors in an effective way under the existing Constitution and laws of the country this debate would be that demonstration. What do we witness? From the foundation of the Government almost, certainly since the time of the liquor cases, it has been the settled belief of the whole country, of judges, lawyers, courts, and the laity of the country, that the States had the power within their own limits of absolutely controlling by prohibition and by regulating in various ways the traffic in intoxicating liquors. That has been the general belief.

All at once comes a decision of the highest court of the land, the voice of God in the Constitution, irreversible except by the court itself, binding upon all the forces of the country, that this supposed jurisdiction over this great evil in the States is a myth, and that really the people of the United States to-day and all along, if they had known and understood the laws and the Constitution under which they were living, have been subject absolutely to the indiscriminate and unrestricted traffic in rum, that no power whatever has yet been exercised which can reach and control it, and that condition exists by virtue of the Constitution of the United States. That is the condition in which we find ourselves to-day, and the Congress is almost absolutely forced to legislate upon this subject, which it has ignored to the utmost in all previous times, in order to produce that legal status which everybody had believed to exist from the beginning until now. Congress is driven to legislate in order to produce that condition of the law which we had hitherto assumed as a matter of course to be the law.

If we pass this bill the Senator from Iowa only hopes that the condition will be made legal which everybody had believed in hitherto, which the courts of Iowa had acted upon, which the courts of the United States had acted upon, which the executive departments of the State and the Nation and the people at large had acted upon, simply to establish that condition which everybody had previously believed to exist.

This measure will add nothing in the great controversy between those who believe in prohibition, those who believe in what we call temperance, and those who hold to the opposite belief. It will add nothing to the relative strength of the position which either of these parties has hitherto occupied. Not to pass it is to be sure to have the effect of ranging all the powers of the State and of the Nation upon the side of intoxication and indiscriminate trade in intoxicating liquors; but to enact it into law has none other effect than I have alluded to.

And we have great question whether we should pass this bill. The Senate is divided upon that question. Very able arguments were made here to the effect that this bill will be unconstitutional if it becomes a law, and that the Supreme Court will set this legislation aside. If we do make this measure a law we are still surrounded by all the substantial difficulties with which we have controverted from the beginning.

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No, Mr. President, I do not think anybody who studies this subject carefully, whether from a legal stand-point or from a philosophical stand-point, can fail to see that the power of the prohibitory States, if I may speak of them in that way, to regulate and to destroy the traffic in intoxicating liquors within their limits is nullified by reason of the limitation of their police powers imposed upon them by the Constitution of the United States. But for that Constitution New Hampshire would have the power of an independent nation over this traffic. She could prevent the introduction of liquors within her limits at all. She could prohibit exportation as well as importation, and the manufacture and the sale for any purpose which she deemed hostile to the real interest of her people.

But some force has been imposed upon her, some force has been imposed upon the action of Iowa and of other prohibitory States, so that practically their efforts to pre-

vent the evil of intemperance within their limits have become nugatory. Whence comes that power if it be not from the Constitution of the United States, as the courts have construed those powers?

I believe that the great fortress, the real defense of the liquor trade in this country, is the Constitution of the United States, and that but for that Constitution many of the States to-day would have freed themselves almost absolutely from the entanglement and the injury which result from this bad traffic. I hold to that doctrine, and I do not believe any one who studies the subject can arrive at any other conclusion.

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Mr. President, after we have adopted this bill it will be found that the great temperance controversy is in substantially the same position that it has been heretofore; no worse for the decision of the Supreme Court, because this act of Congress will have rectified that evil; but so far as the future contention is concerned we shall be where we were, and we shall still need an enlargement of the powers of the States or an amendment of the Constitution of the United States which shall liberate those powers to the full exercise of the power which they possess for their own protection, or an amendment of the Constitution of the United States which, I say, will give every State the power of an independent nation within its own limits over this subject; and, better, a still broader and more comprehensive amendment of the Constitution which shall not only do that, but shall re-enforce the police powers of the State by an absolute prohibition—a national prohibition extending over the whole country.

That would be no interference with the police powers of the State, because we are admitting here in this very legislation that for the protection of those powers it is necessary that the national arm be removed and that the States be enabled to exercise those which are inherent for their own protection.

If, then, we should in that same direction pass an enactment or adopt a constitutional provision of the United States re-enforcing that police power by prohibition, we should be not destroying the police powers of the State, but we should be assisting them, enabling them to accomplish their own just and proper ends. The claim which we sometimes hear set up that the national prohibition of the liquor traffic is a destruction of the police power of the State is so far from being true, that, on the contrary, national prohibition would be a re-enforcement and preservation of that police power, without which I believe the police power of the State will never be effectively exercised.

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Drunkenness will never be eradicated from our land until there is a power which can seize this article *in transitu*, ay, more, a power—a national as well as a State power—which can prevent its manufacture and its importation for any other but useful purposes, as for medicine and for use in the arts."

We agree with you, Mr. Chairman, that "this measure will add nothing in the great controversy between those who believe in prohibition and those who hold to the opposite belief;" that after this bill has been adopted "it will be found that the great temperance controversy is in substantially the same position that it has been heretofore; no worse for the decision of the Supreme Court, because this act of Congress will have rectified that evil; but so far as the future contention is concerned, we shall be where we were, and we shall still need an amendment of the Constitution of the United States which shall re enforce the police powers of the States by an absolute prohibition—a national prohibition extending over the whole country." Therefore, to the question, "Should Congress pass an 'original-package bill' meeting the recent decision of the United States Supreme Court, would not that be sufficient?" we answer, no.

Yes, Mr. Chairman, very able arguments were made in the Senate to the effect that this "original-package bill" will be unconstitutional if it becomes a law, and that the Supreme Court will so declare it. Permit me to cite briefly from a few of these arguments. Senator Reagan, from Texas, said:

Mr. President, this bill and the discussion arising upon it relate to a subject of very great interest to the American people, the regulation and control of the use of intoxicating liquors. If we are to debate it upon the question as to the propriety of the use of intoxicating liquors, that would be one subject. If we are to discuss the authority by which it is to be regulated, that is certainly another subject.

The Constitution confers upon Congress the power to regulate commerce among the States; and the Supreme Court has repeatedly held that the power of Congress for the regulation of commerce among the States and with foreign nations was as complete and perfect as the power of a State to regulate its local commerce, its internal commerce. It is an absolute power, unqualified, according to the determinations of the Supreme Court.

Now, are the transportation and sale of alcoholic liquors commerce? I understand that the courts hold that they are commerce. As to the use of them, there are very great varieties of opinion. As to their being commerce there can hardly be two opinions.

The Congress authorizes the importation of alcoholic liquors. It levies a tax upon alcoholic liquors; it taxes and collects revenue from them. The action of Congress makes alcoholic liquors commerce. Some of the States prohibit the use of alcoholic liquors; a majority of them do not prohibit the use of alcoholic liquors. So the current opinion among the States would make alcoholic liquors an article of commerce.

If the Constitution of the United States were amended so as to declare that alcoholic liquors were injurious to the public morals and the public health, and to repeal the laws which recognize them as commerce by recognizing their importation and levying duties upon them, that would be an act of outlawry which might place them and would place them under the control and power of the State legislatures. It would then cease to be an article of commerce—that is, it would cease to be an article of commerce if the States took the same view of it and outlawed it as the Government would under such a change.

If this condition of things—that is, the outlawry of alcoholic liquors by the Federal Government and by the States—existed, the States, then, of course, could exclude intoxicating liquor under their police power, as they may exclude anything that they hold to be injurious to health and public morals or dangerous to life.

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The regulation of commerce as we now have it under consideration means the regulation of trade and transportation between the States.

As I have mentioned, the laws of the United States recognize alcoholic liquors, whether rightly or wrongly it is not for us now to say, as articles of commerce. The laws of most of the States recognize liquors of this description, whether rightly or wrongly we have no authority here to determine, as articles of commerce. Being articles of commerce, and the exclusive power being given to Congress to regulate commerce among the States, it seems to me concludes that portion of the argument.

But it is assumed that Congress may permit the States to take its place to a limited extent in the regulation of commerce. I understand, Mr. President, that jurisdiction even in the courts is not a matter of consent, but a matter of law. It is certainly true, I think, that where the Constitution has conferred a power upon Congress the consent of the Congress and the States can not take from Congress its jurisdiction, nor can the consent of Congress and the States confer upon the States a jurisdiction which by the Constitution is conferred upon Congress. If that be true, it would conclude this portion of the argument.

Senator Coke, from Texas, said:

The Constitution is the supreme law for the States and for Congress. Congress can not exercise jurisdiction reserved to the States, nor can the States exercise jurisdiction solemnly lodged by the Constitution in Congress. To hold otherwise would be to say that the Constitution may be changed, not in the mode provided in the Constitution for its own amendment, but by an act of Congress setting aside and nullifying it, and overthrowing its supremacy.

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The Constitution was intended to be an unvarying rule of law for all the States in all matters of general and national concern, such as are embraced in this bill. The non-use by Congress of its powers in purely local matters, such as harbor pilotage, the improvement of harbors, the construction of bridges over navigable rivers, the erection of wharves, piers, docks, etc., and the use of them by the States without any positive or affirmative permissive action by Congress, present an entirely different question from that propounded by this bill, which is a great national question affecting interstate commerce throughout the length and breadth of the country; and one, too, upon which Congress from the beginning of the Government to this day has exercised to the fullest extent its granted powers.

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If inconvenient or vicious in administration the Constitution should be amended, not violated or evaded.

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Whatever is interstate commerce is embraced in the constitutional grant of power to Congress. Of this there can be no question. Are intoxicating liquors the subject

of traffic, of commerce in this country? All will answer that they are. Then, there being no law which makes traffic in them unlawful, it is an inexorable consequence that when passing through the channels of interstate commerce the regulating jurisdiction of Congress attaches to them and is exclusive. This being true, I hold that Congress can not ignore, throw off, or abdicate the jurisdiction. The police powers of the State about which so much has been said do not conflict with the powers of Congress over interstate commerce. The diseased meat, the diseased animal, the diseased man, the infected clothing, the impure and unhealthy food, which the police laws of the State take hold of, are not subjects of lawful interstate or other commerce—are not protected against State interference for that reason. The State can not part with her right of defense against dangers to the lives and health of her people; and her police powers for these objects being inalienable and known to the framers of the Constitution to be so, are necessary and understood exceptions to the grant of jurisdiction to Congress over interstate commerce. But, Mr. President, for an article of consumption the world over and from the beginning of time, an article of commerce in every country in the world—to say that such an article can be suppressed and excluded from interstate commerce under the police laws of any State, is to go to an utterly unwarrantable extreme.

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The power to regulate commerce is the power to regulate existing commerce—neither to create nor destroy commerce.

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A strict adherence to the Constitution as it is, and an amendment of it in the mode provided by itself when amendment is needed, is our hope for the perpetuation of our Government with its attendant blessings. The history of the Constitution shows that the most powerful of all the incentives to its formation was a desire to establish and perpetuate free-trade between the States of the Union, and we should be slow to make a breach which may be indefinitely widened hereafter in the constitutional wall which has been built to protect this purpose.

Senator Eustis, from Louisiana, said:

Mr. President, you may use whatever artful or mystifying phraseology you can invent, when you study the effect and the intent and purpose of this proposed law it is nothing but to confer a power upon the States—to enable a State to exercise a power by virtue of your legislation which it has not the right to exercise by virtue of the Constitution of the United States. The Constitution of the United States confers upon Congress the power to regulate commerce. That power was transferred by the States to the Congress of the United States, transferred without any qualification, transferred without any reservation whatever. It was as absolute, as unqualified, and as unequivocal a transfer of power as could be made by one sovereignty to another sovereignty.

It was an absolute cession of power to the Congress of the United States by the States, by which the States declared that in the interest of public peace, in the interest of public order, in the interest of public decorum, in the interest of commercial fair dealing, commercial justice, and commercial equity, we do not deem it safe, as among each other and as against each other, to exercise that power which we have exercised before the adoption of the Constitution of the United States; for that reason, in the interest of the public good, we transfer that power from ourselves to a central authority, the Federal Government of the United States. Therefore, Congress has the exclusive power to regulate commerce among the States.

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The expression "commerce among the States," like the word "admiralty," for instance, and a hundred other words in the Constitution of the United States, had a meaning at the time of the adoption of the Constitution of the United States, and it meant that as to all subjects of commercial dealing, all commercial commodities, all commercial merchandise, commercial intercourse, and so on, so far as it could exist as a matter of business or trade or intercourse among the States, that whole question could only be determined by a regulation of commerce by the Congress of the United States.

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I am a States-right Democrat of the strictest school, and those powers which the States reserved and determined that they ought to exercise I am in favor of their exercising to an unlimited extent; but those powers which they decided for themselves it would be unsafe for them to exercise and that they did not want to exercise, and for that reason transferred them from themselves exclusively to the Congress of the United States, I, for one, am willing that those powers shall continue to reside where they lodged them and where I believe they were safely lodged.

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There are powers which are absolutely and exclusively vested in the Congress of the United States by the States, and the power to regulate commerce is such a power, as we all know, and as the Supreme Court of the United States has so often declared. Now, there are powers which were transferred by the States to the Federal Government which were not absolutely transferred by the States, but which were transferred with a reservation, and that is the distinction between that power and the other powers to which I call attention. For instance, the Constitution provides:

"No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the Treasury of the United States and all such laws shall be subject to the revision and control of the Congress."

That is to say, the States declare we transfer this power to the Congress of the United States, but there may be circumstances and conditions when it may be proper for us to exercise it, and therefore we reserve the right to exercise it subject to your consent. The States did not transfer to Congress the power to regulate commerce with any reservation that the States should exercise that power with the consent of Congress, as is proposed by this bill.

So again:

"No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

The States said, "We will agree to make no compacts among each other, but we can obtain the consent of Congress to make compacts with each other, and having obtained that consent from Congress, we may exercise it, because we reserve the power to exercise it with the consent of Congress," and therefore Congress can authorize the State of Mississippi and the State of Louisiana to make compacts with reference to a general levee system.

So then we see that in every case where it was necessary that the States should exercise a delegated power with the consent of Congress, it was so expressed in the very terms of the Constitution itself, and when that consent of Congress was not made a condition for the exercise of power, but the States absolutely and unequivocally transferred the power to Congress to regulate commerce, where does Congress get the authority to transfer to the States the power which the States said they would not reserve and would not exercise?

Mr. Chairman, I will not take the time to cite the views of Senators Vest and Morgan and other Senators who argued also against the constitutionality of the "original package bill," but will pass on to what would be the result in case of its invalidity. On this point Senator Hoar, an advocate of the bill, said:

Mr. President, if this bill be not within the constitutional power of Congress, I think we must all agree that the condition of the American people in regard to this particular subject is more miserable than that of any other civilized nation on the face of the earth. I suppose there does not exist a community where men live together under law where the danger of permitting the unrestricted sale of intoxicating liquor is not recognized and guarded against by public authority.

Unless what we propose or its equivalent can be done, what is the result? The law, as I understand it, in the United States is this for the present and for all future time (unless we have a new Constitution in this respect), that any person, a dweller in another State or in a foreign country, may through his own agencies send intoxicating liquor into any of the States of this Union, and having selected the kind of package in which he chooses to put it he may, by those agencies, deliver it for use to any citizen of the State or dweller therein; and that it shall not be competent for any State authority to prohibit that delivery to a drunken man who has just come from a frenzy in which he has threatened the life or safety of his wife or children, to a criminal who desires it to fortify his courage for the commission of a crime, to a maniac or idiot whose slender intellect overcome by it will be simply the moving force to some arson or murder or assault by which the life and health and safety of innocent persons are threatened.

Other Senators expressed similar views. Such being the miserable condition of this American people, should the bill be declared unconstitutional? And since its passage would have no other effect than to leave matters as they were supposed to be before this revolutionary decision of the Supreme Court, therefore, in either case, an amendment of the

Constitution as provided for in the joint resolution here under consideration is the only adequate remedy.

It has been said that Congress has the power to outlaw these poisonous drinks as articles of interstate and foreign commerce through a law enacted for that purpose. If so, and that power should be exercised, still the inhibition ought to be expressed in the Constitution to insure permanent protection.

In conclusion, I would respectfully ask, gentlemen of the committees, in behalf of the Woman's Christian Temperance Union, for the return of the joint resolution to your respective Houses with your reports thereon favoring proposal of the amendment to the States, which, upon proposal, will "become valid when ratified by the legislatures of three-fourths of the several States, as provided in the Constitution."

STATEMENT OF DR. C. N. WHITNEY.

Mrs. BITTENBENDER. Mr. Chairman, I introduce Dr. C. N. Whitney of Washington, D. C., who will represent in part the Independent Order of Good Templars, the largest temperance society in the world. The doctor is past grand chief templar of the order in the District of Columbia.

Dr. WHITNEY. Mr. Chairman and gentlemen of the committee: As Mrs. Bittenbender has said, I have the honor to represent in part the Independent Order of Good Templars. We all remember that the old-fashioned ministers used to state what the text did not teach, and then what it did teach. I very clearly understand that I am not to discuss the evils of intemperance, nor am I to attempt to show that national prohibition is desirable and practicable. My simple duty is to state the position of the Independent Order of Good Templars as to national prohibition.

Preliminary to doing that allow me to remark that this organization came into existence in 1852. It has spread over the world until it is established in every civilized country. In this country it has been thoroughly organized in every State of the Union, every Territory, and the District of Columbia. We number 200,000 adult members, and we have under the order an organization of children to the number of about 100,000 members.

Senator GEORGE. What is the age—the line that distinguishes between adults and children?

Dr. WHITNEY. The juvenile order generally embraces children under sixteen years of age. The organization of Good Templars is non-partisan and non-sectarian. I submit the platform which was adopted at the beginning, but will not read it.

The CHAIRMAN. The platform will be inserted in the report.

The platform is as follows:

I. Total abstinence from all intoxicating liquors as a beverage.

II. No license, in any form, under any circumstances, for the sale of liquors to be used as a beverage.

III. The *absolute prohibition* of the manufacture, importation, and sale of intoxicating liquors for such purposes; prohibition by the will of the people, expressed in due form of law, with the penalties deserved for a crime of such enormity.

IV. The creation of a healthy public opinion upon the subject by the active dissemination of truth in all the modes known to enlightened philanthropy.

V. The election of good, honest men to administer the laws.

VI. Persistence in efforts to save individuals and communities from so dreadful a scourge against all forms of opposition and difficulties, until our success is complete and universal.

Dr. WHITNEY. The basis of this platform is total abstinence on the part of the individual, an entire prohibition of the traffic. This organization is the first civic society, if not the only one now existing, which makes absolutely no distinction on account of sex. The order throughout the world has always been in favor of prohibition. I am safe in saying that there is not a Good Templar in this country who is not in favor of national constitutional prohibition. I have just returned from attendance upon a national congress of temperance people where the most diverse views were presented, and it was noticeable that the Good Templars present were among the most pronounced for national prohibition. We understand that when prohibition shall have been attained it must be maintained by public opinion, and you may be assured the great army of Good Templars will stand by such a law; and they are educating the children, who by that time I suppose will be grown, and they will equally sustain the law.

That is about all I have to say. There are several others to follow and I just simply want to state in the briefest manner the attitude of the great organization of Good Templars on this subject.

Senator GEORGE. Has the national organization of Good Templars passed a resolution on the subject?

Dr. WHITNEY. Yes, sir; in favor of national prohibition, but I can not lay my hand on it now.

Representative PICKLER. What does your organization number in the United States?

Dr. WHITNEY. Something over 300,000. I will furnish the committee with the resolution.

The CHAIRMAN. You state that your organization is in every civilized country. I suppose then it is in every State of the American Union?

Dr. WHITNEY. Every State and Territory, and the District of Columbia.

Mrs. Bittenbender produced the resolution and read it, as follows:

RIGHT WORTHY GRAND LODGE, I. O. G. T. (Richmond Convention, 1886).—The end for which we aim is to secure the highest, the strongest, and the most permanent prohibition that can possibly be had.

In the States of the American Union, this is realized in State and national constitutional prohibition, secured by amendments to the constitutions of the States prohibiting the manufacture and sale of intoxicating liquors, and an amendment to the Constitution of the United States prohibiting the importation, the manufacture, and the sale of such liquors throughout the entire nation; the amendments in all the States and in the nation to be supplemented by legislative enactments to give them force and effect, to be followed by the election of officers who will see to it that these prohibitory enactments are thoroughly enforced.

Dr. WHITNEY. I will supplement that by remarking that the three hundred thousand and more adult members of the order of Good Templars do not represent fully the Good Templar sentiment. There are perhaps five times as many who have at one time or another been members of the order, but who for one reason and another are not now, yet the reason for non-affiliation in active membership in the majority of cases has not been the violation of their personal obligations as to total abstinance, nor a going back on the principle of prohibition. These, too, are with us for national constitutional prohibition.

The CHAIRMAN. Could you submit to the committee taking a little time, and furnish to the stenographer the number in active connection in your order in the several States and Territories of this country, making the aggregate.

Dr. WHITNEY. They can be furnished.

Membership of the order of Good Templars in the United States.

States.	Members.	States.	Members.
Alabama	3,000	Nevada	275
California	15,000	New Hampshire	3,500
Colorado	3,600	New Jersey	1,800
Connecticut	3,700	New York	30,000
Delaware	900	North Carolina	1,300
District of Columbia	988	North Dakota	1,600
Florida	325	Ohio	7,500
Georgia	2,325	Oregon	3,600
Illinois	11,000	Pennsylvania	7,000
Indiana	1,800	Rhode Island	600
Iowa	9,500	South Carolina	1,200
Kansas	2,900	South Dakota	1,800
Kentucky	2,200	Tennessee	2,100
Lake Superior	750	Texas	1,500
Louisiana	200	Vermont	4,200
Maine	19,000	Virginia	13,000
Maryland	2,900	Washington	2,500
Massachusetts	8,800	West Virginia	3,200
Michigan	7,000	Wisconsin	18,000
Minnesota	3,025		
Mississippi	200		184,488
Missouri	10,500	Juveniles	90,000
Montana	1,600		
Nebraska	9,000	Total	274,488

STATEMENT OF MR. SAMUEL D. HASTINGS.

Mrs. BITTENBENDER. Mr. Chairman, I introduce Mr. Samuel D. Hastings, of Madison, Wis., a Past Right Worthy Grand Templar of the I. O. G. T.

Mr. HASTINGS. Mr. Chairman, I simply wish to make one remark. The report, of which the passage read was a part, was unanimously adopted by the R. W. Grand Lodge, representing every lodge throughout the country, and 10,000 extra copies of the report were ordered to be printed for circulation. It expresses the exact sentiment of that organization.

STATEMENT OF MR. W. JENNINGS DEMOREST.

Mrs. Bittenbender then introduced Mr. W. Jennings Demorest, of New York, president of the National Anti-Nuisance League.

Mr. DEMOREST. Mr. Chairman, it is with some trepidation that I appear before the representatives of my country, realizing that to-day we are standing on the verge of the grandest movement that has ever exercised the minds of the people. I also realize we are now in the throes of this revolution which involves all the moral and material interests of our nation. I can not restrain my fears, gentlemen, while I declare some of the anxious thoughts that now pervade my mind as to the horrors that exist in our country, and mostly brought about through the toleration and sanction that the liquor traffic gets from our National Government.

As you know, I came from New York City, where we have slums that represent a real hell upon earth; the outgrowth of this terrible curse that is now so fearfully scourging our land. I have also only recently come from London, where the horrors of the slums of that city are even worse than we have in New York. I suppose without knowing very much about it personally, that we have the same terrible catalogue of crime and wretchedness in Philadelphia, Chicago, and in nearly all of our large cities. These terrible results can also be

seen among the miners of Pennsylvania, Illinois, Ohio, and the workingmen all over our otherwise fair country, whose lives are blighted and their surroundings deluged with crime and poverty, brought about mainly by this nefarious traffic.

I am reminded that thirty years ago those hills over there [pointing across the Potomac] were so interesting to us, because of the horrors of war brought on by the crime of our people on account of slavery. I also remember that another issue of equal importance is now presented to the minds and hearts of the people, in which you and I are as deeply involved. This is my country, this is your country, and it becomes us to examine this question with the greatest possible interest, and because of the tremendous evils of the liquor traffic be willing to see that the destiny of our civilization is hanging in the balance, and that it largely depends upon your action as to whether we get relief from this terrible incubus.

I need not say much more about this aspect of the question, because it is already so well known and understood. There is probably a skeleton in every one of your homes. I may say, without fear of being mistaken, every one of you personally has had some evidence of the tremendous consequences that follow the train of this terrible serpent, alcohol.

Recent decisions of our Supreme Court on this question have given us the greatest possible encouragement for the near future. I need not repeat them in detail. You must know how very vital and pertinent they are in their application to the traffic in alcoholic poisons as now existing. The Supreme Court has, as you know, clearly defined the liquor traffic as a nuisance, which can and ought to be abated, in the following words:

> We can not shut out of view the fact, within the knowledge of all, that the public health, the public morals, and the public safety may be endangered by the general use of intoxicating drinks; nor the fact, established by statistics accessible to every one, that the idleness, disorder, pauperism, and crime existing in the country are, in some degree at least, traceable to this evil.

The Supreme Court has also declared that "no legislature can bargain away the public health or the public morals. The people themselves can not do it, much less their servants." And what is a nuisance, gentlemen, but something that seriously and injuriously affects your home and my home and the homes of all the people, besides the hereditary taint that follow? Every interest of our country is jeopardized by this enemy, and we stand trembling to-day to know what is to be the destiny of our country through want of law, or the perversion of law, and the apathy of the people, while these wicked, selfish liquor dealers, with the allurements of alcoholic beverages, are allowed to blight all that is true and good and beautiful in our civilization. All regulations looking to concessions and compromises with this evil are both dangerous and deceptive, and this is especially true of a license.

To screen with a license a traffic that is productive of the worst crimes, besides tending to impoverish the people, is a wicked and traitorous wrong. No words are too strong or condemnation too severe in denouncing this subserviency to appetite, cupidity, passion, and prejudice that is involved in a license. And this also includes a perversion of both equity and law for it is a terrible outrage on our civilization, a stigma on our morals, and a disgrace to the nation, to sanction with all the safeguards and forms of law a business that dooms the community to a flood of crime and pauperism. This is a concentration of viciousness and the very acme of selfish cupidity. The licensing of this dangerous *and iniquitous* traffic is therefore not only a political blunder but is the

greatest possible outrage of common sense, common honesty, and common law, and is without one redeeming feature.

Now, I say to you frankly that I would like to speak to you with trumpet tones; I would like to ring into your ears the importance of this occasion, this exigency in the history of our country in which we are called upon to meet this evil with a determination to annihilate it. You, gentlemen, have this terrible evil in your charge. Upon your decision largely rests the destiny of my country, and I could plead with all the earnestness that God has inspired me to reach your minds and open your ears as to the horrors which can be averted by your sagacity and your recognition of the undeniable facts as they exist. You have but to go through the community here at Washington to know what the facts are. They are simply terrible beyond description. This black pall of alcoholic liquor hangs over our civilization, and according to your decision our country is to have a grand and glorious future or we go down to the gloom of death.

Let me repeat to you, gentlemen, a matter of statistics, which may not have presented itself to you in your particular line of duty, going to show the fact that we have had a terrible accumulation of these evils occurring through national sanction, and an increased consumption of this poison of alcohol. According to the census reports in 1862, 2,000,000 barrels of beer were consumed in the United States; in 1863, 3,000,000 barrels; in 1864, 4,000,000 barrels; again in 1865, another million barrels was added to the consumption; in 1866, another million barrels of beer. And so, gentlemen, we have gone along until two years ago we consumed 25,000,000 barrels of beer, an increase of about twelve times in twenty-five years, and only double in population, and at the last census there were nearly 2,000,000 more barrels of beer added to the consumption in the United States.

Gentlemen, were are we drifting; I ask you with trembling earnestness, what is to be the final result. These figures alone ought to be enough to startle the nation with horror. I need not enlarge on this question to show you the terrible aspect of this beer element, or to show you how our civilization is now upon the verge of a volcano from whose crater belch forth a stream of crime and wretchedness, blighting and blasting our best manhood and dragging us down to a terrible doom of crime and misery, all brought about by beer. Do not tell us it is whisky and the strong elements of other alcoholic beverages that we are to dread. It is through that exciting, that dangerous stuff called beer. The liquor dealers are trying to cheat us with the idea that there is nourishment in it. It is this delusion, acting as a snare, which is simply carrying the people down as rapidly as it is possible for a nation to be demoralized. Remember that last year we consumed nearly 28,000,000 barrels of beer. We must stop somewhere. We have got to stop now or we are doomed to inevitable destruction through the use of this exciting poison, and I beg of you with all earnestness that I can bring to bear to stop now, and do what ought to be done and what can be done to save my country, and to save your country, and to save this capital, and to save the whole nation from utter annihilation.

True citizenship demands and is entit ed to national protection, therefore what we want and must have is a national constitutional amendment, that will utterly and effectually banish the manufacture, sale, and importation of this vile, this awful curse and poison from the land by the strong arm of the law faithfully enforced.

I leave this matter with you. You know what we are after. We must have the utter extinguishment of this poison of alcohol by national

legislation. The best interests of the people and the very life and vitality of our nation depend upon your action, and I beg you to look upon this question with all the earnestness and determination you can bring to bear upon this great curse, to stay this immoral tide of appetite and passion that is likely to bring on our country a flood of crime and pauperism and finally to an awful doom of anarchy and despotism.

I could say many things more, by way of argument, but you are so familiar with the demonstrations of crime, poverty, and wretchedness that this traffic has made all around you that it is only necessary that I should call your attention to them with earnestness, and make our appeal to your intelligent minds and your strong convictions as to the necessity for immediate national action, and as much as possible to bring your minds and through you the minds of the people to act wisely and aggressively upon this great question to save our country from national demoralization and utter ruin.

STATEMENT OF THE REV. R. D. MUNGER.

Mrs. Bittenbender then introduced the Rev. R. D. Munger, of Waterloo, N. Y., supreme councilor of the Royal Templars of Temperance.

Mr. MUNGER. Mr. Chairman, it is not my purpose to make a speech or to present an argument; I should find myself unable to do so in the time allotted, but I wish simply to make a few explanatory statements and then call upon another member of the order to whom I will give the remainder of my time.

The Royal Templars of Temperance were organized originally in 1870, but permanently in 1872. It is a temperance beneficiary association. We have a plan of insurance under which we have twenty thousand insured members in addition to twenty thousand who are not insured. It is an American institution entirely. I will place in the hands of the stenographer if desired the exact number of beneficiaries and non-beneficiaries for all the States in the Union.

Senator GEORGE. If it is an American institution why call it Royal?

Mr. MUNGER. Because the position we have taken entitles us to royalty. We claim to stand on an equal footing with the best.

The CHAIRMAN. Upon the ground that every American is a king?

Mr. MUNGER. Yes, sir; that is the ground which the American girl took in Europe when she allowed herself to be called an American princess. And when it was objected that there were no orders of nobility in America, she answered: "Very true, there are no *orders* of nobility in my country, but I am a daughter of the people, and in my land every man is a sovereign." We take the same ground. Now, if you interrupt me, gentlemen, it will take my whole time, but, of course, if you wish to ask questions I will be very glad to answer, but I wish to give as much of my time as possible to my successor.

We are non-sectarian, non-partisan; we represent Democracy, Republicanism, Greenbackism, Woman's Rights, and we take Prohibitionists if they will sign the pledge; we represent all phases of American society in that respect, but we are totally, positively, eternally opposed to the liquor traffic. We have put ourselves squarely upon that platform. Indeed, on the question of temperance legislation, we have arrayed ourselves side by side with the Independent Order of Good Templars. The action of the supreme council Royal Templars of Temperance is as follows:

Believing all laws licensing the manufacture and sale of intoxicating liquors as a *beverage* to be wrong in principle and false in practice and pernicious as an *educator of public* sentiment: Therefore

Resolved, That we are unalterably opposed to all license laws, whether high or low, and in favor of the complete suppression of the liquor traffic through constitutional and statutory prohibition.

Here we plant ourselves, upon this rock will we stand, the complete suppression of the rum traffic. And standing upon this rock, our temple, well guarded by every true Templar, shall stand forever.

This was supplemented last year by the following:

Resolved, That the complete suppression of the drink traffic is the objective point of all our labors, and we will be satisfied with nothing less.

I wish to call the attention of the joint committee to a statement made by Mr. A. M. Powell, of New York, before the Committee on the Alcoholic Liquor Traffic, February 13, 1890, and ask that it be incorporated with my statement as a reason for desiring the total suppression of the traffic in strong drink. The statement is as follows:

The British General Provident Life Insurance Company. They have, or had last May, 42,000 policies, representing an aggregate of about $55,000,000 capital; so you see they are not an inconsequential body. You know all insurance companies have tables of expectancy, upon which is based their expectations of the length of a person's life. What do they show in a period from 1866 to 1888? That there were in this general section 6,516 expected deaths. They show as a matter of record that there occurred 6,319 actual deaths during that period in this general section—almost as many actual deaths as was expected, lacking only 197. In the abstainer section there were expected in that same period 4,235. There were actually 3,014 deaths, making a difference of 1,221; that is to say, there were 1,221 people who were expected to die, and according to the tables of expectancy ought to have died, but who did not die. I want you gentlemen to remember that this is not merely a temperance fanatic's notion, as the brewers' journals will tell you, but that it is the business record of as able a body of financiers as I have the pleasure of knowing, some of whom are my personal friends in London. Now, such a case as the honorable Mr. Morse has mentioned in your hearing—the Northwestern Life-Insurance Company—I am sure can be thoroughly substantiated.

Although our order is not as old as the one referred to, yet our experience has thus far fully corroborated these statements. We show a much lower death rate than can be shown in those insurance companies where no attention has been paid to the personal drink habits of the persons assured. Our death losses for five years last past were $10\frac{2}{10}$ per 1,000 as against $19\frac{1}{2}$ in the State of New York.

We feel very anxious to have the position of our order presented in this light as an evidence of the influence of temperance habits on insured people.

The percentage of deaths in total abstinence insurance companies as compared with other enterprises will show very clearly that we are correct in our position.

Why do we ask for constitutional prohibition?

We did not force this question into national politics, but have been drawn into the strife by the stern logic of events. We tried to make the question one of States and local communities, but you must see now that our only safety is in putting ourselves under the protection of the national Constitution.

The late decision of the Supreme Court has taught us that there is no safety to the interests of morality and sobriety in any State enactments.

The question has been asked, will not an act passed by the present Congress meet the case and satisfy the demands of the friends of temperance? No, sir. It may for a time give hoped-for relief, but what assurance have we that the next Congress may not, either intentionally or carelessly, undo us again and cause a re-enactment of the scenes which have lately been witnessed in many States? No; as I said, the only safety which we can hope for is that which puts this very impor-

tant interest beyond the reach of its enemies. The importance of this question can not be overstated. We stand face to face with the greatest moral question in the political horizon of the closing years of the nineteenth century in this country. It is great as a personal, physical, political, financial, social, and moral question; and it is a question which is before us to stay. Like Banquo's ghost, it will not down.

There are some things which I would like to say to this committee in regard to the interstate-commerce law, but this is not the time to say them. I will call upon Mr. Niver, who is here to help represent our order and who will now address you.

STATEMENT OF MR. GEORGE H. NIVER.

Mrs. BITTENBENDER. Mr. Niver, of Seneca Falls, N. Y., is the lecturer of the Supreme Council of the Royal Templars of Temperance.

Mr. NIVER. Mr. Chairman, and gentlemen of the committee: I am glad to assist in representing one of the temperance arms in this country consisting of 40,000 members, organized in sixteen States and Territories, doing mission work. Having had thirteen years experience in organizing tempernace work in this country, devoting to it ten months of the twelve months each year for ten years, upon the platform, I have had the privilege of visiting thousands of homes, and I know a little of the rising of popular opinion upon this question.

Why, there are thousands of people to-day in this country who are taking an interest in the question that would have passed it by five and ten years ago. This is due to the agitation on the part of these various organizations, trying to bring about the submission of this question in some way to our people, that they may have the chance to see the strength of it and to decide it so that it shall remain for all time in the organic law of our country. We ask that it shall be submitted upon the guaranty of our Constitution. The people have the right to assemble peacefully and seek redress for all things that they claim are a detriment to the public welfare. Now, the temperance people of America have assembled in lodge rooms, in council chambers, in churches, in school rooms, in State and national conventions, and they have sought redress year after year. While they have thus held their conventions the liquor traffic has grown in the country. Its evils are coming to be greater every year, and it is becoming stronger every year. The men engaged in the liquor traffic——

Senator GEORGE. Do you mean to say that there is more drunkenness and more intemperance now in proportion to the population than there was years ago?

Mr. NIVER. Yes, sir.

Representative PICKLER. Is not that very largely due to the fact that all creation is coming to this country and bringing their drinking habits with them?

Mr. NIVER. Undoubtedly the influx of population from foreign countries to our shores has something to do with it, and so much the greater reason when we look out into the future.

Senator GEORGE. In the State in which I live, and in which I was brought up, there was many years ago a great deal of drunkenness, and on important occasions when the people were assembled there would be a great many drunken fights. Last summer I traveled over large portions of Mississippi during the vacation of Congress, and I never saw a drunken man. I think that so far from Mississippi being worse in this particular, the reverse is true. The prohibitionists and the temperance

societies have produced a public sentiment in the State adverse to the excessive use of intoxicants.

Mr. NIVER. Mississippi (if that be a true statement) is not alone; there are other States.

Representative LEWIS. I want to emphasize what our Senator has stated. I agree with him. I live in the State, I was born and brought up in it, and I want to bear testimony to the fact that there is less whisky drunk there now than at any period since its organization as a State.

Senator GEORGE. I would like to state before you go on, in reference to the remark that all America was about to become drunkards, that you are very much mistaken. On the contrary, I think the American people, so far as my observation extends—and it is a pretty large one—are traveling in the other direction entirely.

Mr. NIVER. The aggregate reports which are on record in this city show that the number of gallons being manufactured by various fermented and distilled liquor establishments is increasing, and the consumption must go somewhere.

Representative STRUBLE. Is it increasing in proportion to the growth of population?

Mr. NIVER. According to one of the reports furnished by the Hon. W. F. Switzler, late Chief of the Bureau of Statistics, there were in the year 1840 71,000,000 gallons of strong drink manufactured, which was 4 gallons per capita. During 1889 we manufactured over 867,000,000 gallons, a per capita of 14.7.

Representative LEWIS. Would not the examination of the details of those statistics show that what the Senator has just stated is true—that the consumption is very largely or principally in the northern section of the country, to which this immigration has come, and not true of the southern section, to which the immigration has not come?

Mr. NIVER. Undoubtedly.

Senator GEORGE. You do not indicate the difference in gallons between malt liquors and what we call intoxicants. I have no doubt of this fact, that, so far as my observation goes, there has been a large increase in the consumption of beer and what we call the mild stimulants, and at the same time a large decrease in the consumption of whisky and strong stimulants. I think one has been substituted for the other.

Representative MORSE. Do you think that this enormous increase is consumed by our own people here? Do you not think that in 1840, when we had only 4 gallons per capita, while now there is the enormous increase which you speak of, would you deem that a great deal of that is exported from our country, whereas, in 1840, we exported none?

Mr. NIVER. Some of it is.

Representative STRUBLE. The heathen are being taken care of. [Laughter.]

Mr. NIVER. Yes; Africa is being taken care of.

The CHAIRMAN. Not so much as is consumed here?

Mr. NIVER. More of it is consumed in this country. From the most reliable statistics, the per capita in Chicago was 24 gallons in 1889.

Senator GEORGE. Per capita of what? What proportion of beer?

Mr. NIVER. Beer, or malt liquor, is the great beverage in this country. The consumption of malt liquors has doubled eight times since 1860 in the number of gallons manufactured.

Senator GEORGE. Do your statistics enable you to answer this ques-

tion: Whether there has been a decrease, in proportion to the population, of the consumption in this country of what we call distilled spirits, whiskey, brandy, rum, etc.?

Mr. NIVER. There is a diminution in those States where they have prohibition.

Senator GEORGE. But generally in this country—whether there is a decrease in the consumption of those vile intoxicants? There has been an increase in the consumption of beer, as I understand you. I have been told that a Dutchman can drink all day without getting drunk.

Mr. NIVER. That depends somewhat on the capacity of the person to resist the influence of alcohol.

Senator GEORGE. If you can answer that question, I would like to have it.

The CHAIRMAN. I would say at this point that it has not been investigated. I had occasion to go over this subject some two or three years ago, and I made some publication upon it. Taking the fermented and distilled liquors as they were in 1840 and as they were in 1886-'7, and ascertaining the percentage of alcohol that enters into the composition of these drinks, it is found to be the fact that there is a slight increase in the actual consumption of alcohol per capita in the United States; but in proportion to the population, there is not much, if any, increase; I think there is a diminution in the consumption of distilled liquors. It is distributed in this milder form, through fermented drinks. But in its aggregate effect upon the constitution of the people, alcohol is a poison, and the fact that it is taken in small quantities distributed through a longer period of time does not, in the opinion of medical men, lessen its deleterious effects upon the average constitution of the people of the country.

The Senator speaks of improvement in his State, and in many other States it has been very marked, while in other places, as in our large cities, the consumption has increased marvelously as compared with what it was in those same States in the former period.

Mr. NIVER. Mr. Chairman, we ask the submission of this question in this way because it will force attention upon this question. It will bring it before all the States in this Union, and we will have a chance to see how public opinion stands upon it. By the census of 1860 there was a criminal one for every 3,442; by the census of 1870 there was a criminal one for every 1,647, and by the census of 1880 a criminal one for every 839. Now, if we keep up that ratio in this country the present census will bring us to a criminal one to every 420. Shall we continue that?

There is hardly a supreme court judge that you can find, whether he be a drinking judge or a temperance judge, who will not say that eight-tenths of the criminal cases brought before him are directly or indirectly due to alcoholic stimulants. Now if that be the case and that ratio shall continue for the next ten decades as it has in the past three, what will the proportion be? In what kind of a condition will our country stand? Considering it only in a business light, it is known that half of the taxation is caused by crime, and that is putting it very mild. This traffic has become a business in this country which stands in such a way that it is antagonistic to all good and prolific of seven-eighths of the crime. As a question of patriotism and as one of economy, the prohibition question overshadows everything else that we possible can compare with it.

We recognize that there are other questions before our country for adjudication concerning the welfare of our people, but if you could represent them in solid form this morning and bring them in and pile them

upon this floor so far as they concern the welfare of our country the settling of this one question alone overshadows everything else. If you could assemble all the tax-payers in this country on Pennsylvania avenue and ask each one of them, "Sir, are you aware of the fact that of every dollar of tax you pay for State, municipal, and county and other taxation one-half is caused by the liquor traffic?"—I mean taking the whole country, prohibition States as well as others—if you were to ask them if they recognize the fact that one-half of the money that they pay for the support of the various branches of the Government would be kept in their pockets—I have no doubt that seventy-five out of every hundred would answer the question "No."

If we could get this question before the people, with these facts, and tomorrow morning knock simultaneously at the door of every American home and show the people of the country that the saloons involve such an expenditure, I have no doubt that a large majority of the homes would answer that the saloon ought to be abolished and the traffic prohibited. And if you say, "If that statement be true, why is it that the traffic in strong drink is not overthrown," it is simply because we are beyond the right and the wrong of this question. It is when we dig down deep in it, that this enormous drink curse startles our people. It is the size of this question when it is fully understood which startles the people.

The blessings that are to flow from the overthrow of the drink traffic can not be told. The record that has already been made—and it need not be repeated here—is sufficient to demonstrate in what proportion our country will be benefited when the traffic in strong drink is abolished.

Senator GEORGE. I would like to ask in relation to the statistics which you have produced here as to crime, which are very startling on their face, whether this increase in crime has not been almost exclusively in the large cities which have grown up in our country?

Mr. NIVER. Undoubtedly, to a very large extent.

Senator GEORGE. And whether in fact there is not less crime to-day among the country people in the rural parts of the country, among the farmers and that class of people, than there ever was before?

Mr. NIVER. I could not answer that question, whether there is any less in the rural districts or not.

Representative LEWIS. Fifteen years ago, three weeks were required to dispose of the criminal docket of our circuit court; that is, to try offenders. Now it is disposed of in three days. I account for that upon the ground of a general moral improvement among the people and a diminution in the consumption of alcoholic and malt liquors.

Mr. NIVER. Undoubtedly.

Representative LEWIS. Can not the increase shown by your statistics be accounted for in some measure by the fact that there are more crimes made so by the statutes to-day than there were in 1860?

Mr. NIVER. State that again.

Representative LEWIS. At every session of the legislature of every State some offenses are made criminal which have not been so heretofore.

Mr. NIVER. The statements of our court officers demonstrate that the proportion of crimes coming from this one source is increasing—from this one source against which we are contending.

Now, lastly, we ask that this question be submitted in this way so as to remove it largely from the influences which are being pressed upon the politics of the country to-day, so that it may go before the people in such a way that it shall relieve from responsibility those who are en-

gaged in public life. We know that the saloon has power in this country, and I have reasoned sometimes with myself why it is that we can not, in submitting this question to our people, have it put before them, "If you desire the saloon to exist, say so; if you do not, say so;" so that a public man could say to his constituency, "The responsibility is off my shoulders; it is a matter for the people; let them be responsible for it."

For every dollar spent for breadstuffs in this country last year we spent $1.97 in liquor. For every dollar paid in meat we paid $3.37 in liquor. For every dollar spent in clothing $2.38 were spent for liquor.

Senator GEORGE. Those are very startling statistics, and do not come within my observation. Where do you get those statistics—that we drink more than we eat and pay more for drink than for clothing? That is not according to any observation I have ever made.

Mr. NIVER. It shows the proportion of the liquor traffic of our country, and what a great benefit it would be to our people. If they could buy better clothes, for instance, there would be so much the more money in the channels of commerce for the advantage of business men. If the people could have more and better bread at their homes it would affect the merchants in this line by the increased business.

Senator GEORGE. Your proposition is this: That two or three dollars more are spent for intoxicants than for bread, and for meat, and for clothing?

The CHAIRMAN. Do you mean to be understood as saying that there is more spent for liquor than for meat and clothing and all these necessaries of life?

Mr. NIVER. Yes, sir.

The CHAIRMAN. In the proportion that you give?

Mr. NIVER. Yes, sir; I am just giving them separately.

The CHAIRMAN. That is, the entire consumption of alcohol is twice and more than twice than what is paid for clothing?

Representative STRUBLE. As a single proposition?

The CHAIRMAN. You compare the expenditure for alcohol with the expenditure for clothing?

Mr. NIVER. Yes, sir; $2.38 to $1 for clothing.

The CHAIRMAN. It is how much more than we pay for bread?

Mr. NIVER. It is $1.97 for liquor to $1 for bread.

The CHAIRMAN. You do not mean to say that we pay more for alcohol than we do for all these necessaries?

Mr. NIVER. Oh, no; just three of them.

For education we spend $96,000,000. That was the amount spent last year, which was $1 for education to $9.37 for strong drink.

For every dollar given for home and foreign missions by the various religious organizations there were $180.90 for drink.

We put it in dollars because that shows the difference it would bring to our country and to the welfare and happiness of our homes, to our business men, schools and churches, and everything that tends to the good of our country.

Representative TAYLOR. You say that these calculations are made separately. I want to aggregate them together. The amount expended annually in the liquor traffic would furnish a market for all the overproduction in the United States. That is, it would make a market for more agricultural products, make a market for more products of the woolen and cotton mills, and increase the price of labor; so that we could actually hear no complaint about overproduction. Is not the trouble under-consumption, and because of this traffic?

Mr. NIVER. The panacea for the hard times is the suppression of the saloon. It is not overproduction but under-consumption.

Submit this amendment, and when adopted affirmatively it will suppress the saloon, and with it will come untold blessings to thousands of American homes. More business for our merchants, a greater demand for labor; a larger market for food products, the better education of thousands of children, and a universally higher appreciation for the Sabbath.

STATEMENT OF MR. JOHN LLOYD THOMAS.

Mrs. Bittenbender introduced Mr. John Lloyd Thomas, of New York City, Secretary of the National Prohibition Executive Committee, and representing also the National Young Men's Prohibitory League and the National Prohibition Press Association.

Mr. THOMAS. Mr. Chairman and gentlemen of the committee, as citizens of this country we recognize the need of constitutional anchorages and the wisdom of the fathers in compelling deliberate and thoughtful action before their enlargement; but we remember that some of the original States ratified that Constitution only because they regarded it as an unfinished instrument, and because they were afforded ample guaranty that it should be added to and amended to fit the changing needs of a growing civilization. The instrument itself gives this guaranty, that the people, through their several States, could enlarge upon it, could amend it as our changing civilization made necessary. A Senate committee reported not many years ago to the Senate that "such changes are made indispensable by the development of the nation," and I am glad to quote the words of the Committee on Education and Labor, made, in that report to the Senate, in 1888:

> The majority of the committee would deem a refusal to submit the proposed amendment to the States for consideration analogous to the denial of the right of a party to be heard in court upon a question of private right. The method provided in the Constitution for its own peaceful amendment would be destroyed by failure to submit the proposition for amendment in cases of grave moment involving the approval and prayers of multitudes of the people, for where the remedy sought is admitted to be without the jurisdiction of the fundamental law, the petition is really addressed to the only tribunal which can enlarge that jurisdiction, that is to say, to the States themselves. Should, then, Congress in such case refuse to submit the proposal to the States, such refusal would constitute a substantial denial of the right of petition itself.

Mr. Chairman and gentlemen, that report of this Committee on Education and Labor has been indorsed and approved by every national temperance society in the United States of America, with the exception of one of small numbers and influence.

It is true that the Constitution has thus far been amended only "in cases of grave moment," as suggested by this committee, and it would not be well to propose another change in the Constitution unless the case were one of the gravest possible moment, and such a case as absolutely demanded constitutional and national treatment.

It has been made clear that this *is* a matter of great moment. The United States Supreme Court, beyond which there is no higher authority in this nation, declared—

> We can not shut out of view the fact, within the knowledge of all, that the public health, the public morals, and the public safety may be endangered by the general use of intoxicating drinks; nor the fact, established by statistics accessible to every one, that the idleness, disorder, pauperism, and crime existing in the country are, in some degree at least, traceable to this evil.

A Senate committee—I think it was this same Committee on Education and Labor—has branded this intoxicating liquor traffic as "the chief curse of the world." Our friend, Mr. Niver, of the Royal Templars of Temperance, has referred to the testimony of distinguished jurists of all parties and countries upon this question. Statesmen have declared upon it, English, French, and American. Commerce has put its brand upon the traffic as the greatest robber of industry, and the one great cause above all others of overproduction (so called), and the hard times and stagnation that curses the country, really from an under consumption of the products of labor brought about by this drain.

What say the masses, who feel the evil first, and from experience as well as observation, can testify to its consequences? The churches of America, perhaps more than any other single organization, represent these masses, and every evangelical church in the United States has declared that the liquor traffic is the greatest of all obstacles in the progress of civilization, and nearly all of them have declared for national constitutional prohibition as the remedy for the evil.

The voice of labor has been heard upon this question. It has been voiced by their leaders in all branches of the labor organizations. Some little time ago, I remember, a journal of New York, in speaking of the labor troubles, said, "If you would put a stop to strikes and boycotts and the conflicts incessant between labor and capital, put a plaster over the mouth of the labor demagogue." And wisely and well did a leading labor reformer of this country retort, "If you would put an end to strikes and boycotts, and the conflicts between labor and capital, put a plaster over the door of the American dram-shop."

The Farmers' Alliances, the Grangers, and such organizations of different kinds that touch the rural population have declared again and again upon this question. I was glad to note that the organization in South Dakota has declared for the prohibition of the liquor traffic in the interest of farmers. In fact they are elaborating in their platform that epitome which an old farmer uttered when asked, "What will you do with your corn if the distilleries are closed?" He replied, "We will raise more hogs and less hell in this country!"

I believe that the very fact that the Congress of the United States has been dealing with this question again and again and continuously for years proves that our law-makers themselves regard this matter as one of grave consequence, and one demanding national treatment as absolutely essential.

The question then arises, how shall it be treated? Granted that it is a matter of grave consequence, is national constitutional action necessary? Until some recent decisions of the United States Supreme Court we might have said that national constitutional treatment was desirable; so mightily desirable as to justify such treatment, but in view of those recent decisions we may well say that it is proven now that national constitutional treatment is absolutely essential to the settlement of this question, and to give the States the proper protection that they should have against the evil.

Representative STRUBLE. If Congress shall pass a law which meets the recent decision known as the original-package decision, will not that afford a remedy sufficient?

Mr. THOMAS. If you will allow me, I will touch upon that a little later in answer to some questions that have already been asked. If I fail to do so I shall be glad if you will call my attention to it.

I represent, gentlemen, the National Prohibition Press Association, and an organization of young men who are coming to the front and

depositing their ballots with reference mainly to this great question. The National Prohibition Party is constituted of men who were as ardent Republicans, Democrats, Greenbackers, perhaps, as any here. They have not organized a party because they enjoy it. They have not gone into such an organization thoughtlessly or indifferently, but because that organization, numbering now 300,000 voters and growing constantly believes that this traffic is the great curse of the age and that the Government must crush it or be crushed.

The Independent Order of Good Templars believes the same thing. Nearly three hundred secular journals, besides religious journals, are teaching this same doctrine.

I came here yesterday from a national temperance congress in New York, composed of representatives of all shades of the temperance sentiment in this country, representing all parties and all sections from California and Texas up to the State of Maine. By the provisions of the call, that congress was prohibited from discussing or considering any resolutions upon this temperance question; but, gentlemen, the spirit of that congress can be demonstrated by the fact that in less than half an hour the night before last they raised $1,000 to fight the battle in Nebraska of State and national constitutional prohibition as against high license. Those are resolutions which can well represent the temperance sentiment of the community.

We would ask you to note that these gentlemen who are representing these different societies in this hearing are specialists upon the temperance question. They have given the matter not only life-long study, but some of them have given life-long work. They are experts on the temperance and liquor questions.

Representative PICKLER. Is there any temperance organization in the country that advocates high license as the best means for the suppression of the liquor traffic?

Mr. THOMAS. One, sir. The Church Temperance Society has made such a declaration in different ways. So far as I am informed that is the only one.

Mrs. BITTENBENDER. That is the only one.

Mr. THOMAS. The evils of the liquor traffic are recognized. The need of legislation is universally conceded. All present laws, under which the evil has thrived, were intended to curb and diminish it. I think all the legislation of Congress and of the different States and the municipalities have been made in order to diminish the crime rather than to help it, and still it has thrived. We believe that you are anxious to deal with this question intelligently and honestly and in the interests of the general good. If so, why not in this matter as in all other matters, consult and consider expert opinion?

If the honorable gentlemen of Congress were dealing with a mine-inspection law, you would consult miners and engineers rather than the importers of notions and dry goods, and auctioneers. If the legislators of our State were considering an electrocution measure, they would consult electrical experts rather than the criminals themselves, or the indifferent masses. It seems to us, gentlemen, that in dealing with this so-called temperance problem, but really the liquor-traffic problem, it would be equally reasonable for the people of the country to expect the committee and Congress to consult expert opinion upon the subject rather than indifferent spectators, dilletante students or, the liquor dealers themselves, who are financially interested and biased.

But you say we also may be biased. We might reply that liquor

dealers are the only ones financially biased. But we submit argument. Why should constitutional treatment be necessary?

First, if you will recall, many people thought slavery was unconstitutional, even under the original document. But slavery was recognized under that document, and laws were enacted sanctioning and sustaining and regulating it; and therefore, whether valid and legal or not under that original document, it required constitutional treatment, a redeclaration, if you like, of the nation's will, or a new and clear declaration of the attitude of the National Government to set it right. In the same manner some believe—there are gentlemen in this room even, I think, who believe it—that under the present Constitution of the United States the liquor traffic is illegal, that it has no legal standing, that every liquor license and every liquor revenue law upon the statute-books is unconstitutional. They so believe, but we bear in mind that the evil has been recognized, tacitly at least, under the existing document, and because it is recognized and because it is thriving under this original document, license and revenue laws justified by it, we require constitutional action and constitutional declaration in order to declare the changed attitude of the National Government towards the traffic.

The question was asked of Mr. Niver by the Senator from Mississippi (Mr. George), I believe, in regard to the diminution of the drink habit in several States. It is true, gentlemen, that the drink habit has diminished in several States. In many sections of this country there is not so much liquor drunk per capita by the people as there was forty or thirty years ago; but it is equally true that the consumption and the evils flowing from the drink traffic and drink habit are greater in the Union to-day than they ever were before, and that is another argument for the national constitutional treatment of this question.

The people of Mississippi drink less to-day than they did forty years ago, yet the people of Mississippi suffer more to-day because of the liquor traffic than they did forty years ago. It costs them more to-day because of the liquor traffic than it did forty years ago. The same may be said of nearly every Southern State and of some States in the West. And why do they suffer more? They are more cursed because of the clustering of this drink habit in the large and powerful and populous centers of the North, which overcrowd and overshadow and control in legislation and out of legislation all of these other sections which do not want the drink traffic and that are not addicted to the drink habit. For their protection we ask that these elements in our large cities of the North shall be restrained by national constitutional treatment from imposing cost and injury upon sections which do not join in the vice of drunkenness and from sinking the nation as a whole in the gulf of local debauchery.

Why deal with this particular thing, the drink traffic, differently from what you deal with other crimes, is a question that has been asked. Why deal with the liquor traffic by national constitutional action, and not with murder, with horse-stealing, and crimes of a similar character? First. Because the crimes are not of a similar character. As our friend, Mrs. Bittenbender, has proven to you, they are of a different character entirely. One is an individual wrongful act, the other is an act of commerce. One is an act with which individuals are concerned, the evils of which are mainly, if not altogether, felt by the individual; the other is an act by which all the community and all the nation are affected, and affected injuriously.

But another reason might be advanced. If murder or horse-stealing

had been recognized under the original declaration of the Constitution, if enactments had been passed for years by the National Government and by the several States, recognizing murder and horse-stealing and other crimes as legitimate, as things to be taxed, as things to be regulated, as things to be permitted under certain conditions, then I submit that constitutional action would be necessary with respect to murder and horse-stealing and these other crimes, in order to declare to the people of the country, to the different States in the country, to the legislative bodies of the Union, and to all future ages, that the attitude of the Government towards those crimes was changed, that instead of things to be legalized under certain circumstances they were things to be outlawed and prohibited under all circumstances.

Another point—I am afraid I am taking up too much time; if so, I must ask pardon.

Mrs. BITTENBENDER. Go on; you represent three organizations.

Mr. THOMAS. The objection has been raised, would it not necessitate an imprudent exercise of the power of the National Government to enforce such a National Constitution? We answer no. There is not so much to apprehend from this as there was in the case where an entire section of the nation was specially interested in a subject treated by a previous amendment to the National Constitution. In the matter of the liquor traffic, gentlemen, the States would enforce the prohibitory laws instead of being crippled and hampered as now by the position of the Federal Government.

Fourth. Do not recent votes indicate that the people do not want constitutional prohibition? Do not the defeats of the constitutional amendments in some of the States of the Union recently indicate that the people are not ready and do not want this question submitted, and are not prepared to vote favorably and intelligently upon it? To that again we answer no.

That an analysis of the vote cast upon this question in the several States would show that if the votes in almost if not all of those States polled in favor of constitutional prohibition were cast for candidates for the legislature who would be expected to ratify an amendment to the National Constitution, such an amendment would be ratified in the very States in which the State constitutional amendments have been defeated, they having been defeated by tremendous majorities in large cities overcoming the many smaller majorities in the legislative districts.

Representative MORSE. You represent the National Prohibitory party, as I understand?

Mr. THOMAS. Yes, sir.

Representative MORSE. Now, will you explain the consistency of your party doing your level best against such men as Messrs. Pickler, and Blair, and Taylor, by running separate candidates against them as party prohibitionists?

Mr. THOMAS. Nothing would please me better than to get such a statement in the report of this committee; but it is not pertinent to the question.

Representative MORSE. It is very pertinent.

The CHAIRMAN. Answer any question that is put to you, if you are disposed to do so. You shall have your time, and it will go on the record.

Mr. THOMAS. I am afraid I shall occupy the time of others, as well as my own.

Representative PICKLER. That is the main argument against your party.

Mr. THOMAS. We are not here to answer arguments against the party. If we were here for that purpose, I should be delighted to stand up for an hour or two.

The CHAIRMAN. You are here to enlighten the committee. The committee wants all the light it can get.

Representative MORSE. Let me state my question a little more precisely. A convention whether of the Republican or Democratic party sets up a man like Mr. Pickler, who is a prohibitionist, and your party puts up a man in opposition, and tells its adherents that it is their duty to vote for the third-party candidate. I want you to explain the consistency of such action.

Mr. THOMAS. As a matter of fact—and Mr. Pickler will bear me out—the Prohibition party did not nominate a candidate against Mr. Pickler, hailing with gratitude the fact that the Republican party in Dakota had come over to the prohibition position, had become a prohibition party, and had put a representative of our principles in nomination.

Representative PICKLER. That is true.

Representative STRUBLE. I am glad to give my evidence at this point. I have been a prohibitionist all my life. I have been working on that line. I am one who had the good fortune to have his house fired by reason of his relations to the liquor traffic. Nevertheless, at the last Congressional election the Prohibition party in my district put up a presiding elder of the Methodist church against me for Congress. He did not get many votes, to be sure, but they put him up and he carried about 600 or 700 votes.

Mr. THOMAS. A brief reply to that might be this: That the Prohibitionists do so because they recognize that with all the good wishes and intentions of the Hon. Senator Blair, who since 1876 has worked for these prohibitory amendments and prohibitory laws, and with all the good intentions of those other gentlemen who do so, their hands are tied. They have been thus far absolutely powerless to secure the legislation they wanted, because the power of the party that they belonged to was opposed to them, and because if these gentlemen were to make it a matter in respect to which their party should caucus, if they should force the matter upon their caucuses, there is great reason to fear that the Southern Senators and Representatives who also have worked zealously for prohibition and whose votes would be needed to carry the question over the opposition of members of their party would not combine with them to secure that desirable result.

Representative SAWYER. In my State of New York the legislature has just passed a law submitting the constitutional prohibition question to the vote of the people. Now, according to the advices I get from home, the leading prohibitionists there are opposing the constitutional amendment and declaring that they will not support it. I merely asked to know whether I am correctly informed.

Mr. THOMAS. Will you kindly name a single one of these "leading prohibitionists."

Representative SAWYER. I can not name the men now, because I did not attach enough importance to the matter to treasure up their names.

Mr. THOMAS. I am very glad to answer the question. Nothing could be further from the truth. A week before the legislature submitted that constitutional amendment the executive committee of the National Prohibition party met in Binghamton and the State central committee decided to use all the machinery of the party in the State in support of the constitutional amendment; and although serious doubts exist as

to the good faith and certainty of submission, the National Prohibition committee has already appropriated $1,000 for a specific purpose in the agitation and carrying of that measure.

Representative PICKLER. The third party in South Dakota did all they could for it.

Mr. THOMAS. The third party in *all* the States have done all that they could for prohibition.

Representative MORSE. Except to vote for a candidate for Congress who was a prohibitionist. Allow me to give my experience, although I did not want to give it. I have been known in my State as a radical prohibitionist for a good many years. The people of the Second district nominated me for Congress, and the Massachusetts Liquor League poured out their money freely to beat me, knowing my position upon the temperance question. Our third party put up a candidate against me. To be sure he got but few votes.

Mr. THOMAS. Less than the party strength?

Representative MORSE. Yes; he did get less than the party strength, but the principle was there, and some of the leaders announced it as part of the plan of the prohibitionists of the Second district "to do all they could to beat Mr. Morse," on the ground that they must "vote as they prayed and stand up to be counted."

Mr. THOMAS. It is hardly correct to say they did all they could to defeat him, when his opponent polled less than the party strength. I would like to ask the gentleman from Massachusetts (if I may be allowed to ask a question) if he makes that statement to influence adversely the action of the committee in the matter of this pending question?

Representative MORSE. I am in favor of results; and when a man says that he is for constitutional prohibition and wants the Congress of the United States to enact constitutional prohibition for all the States, I want him to vote on that line; and when the Republicans put up a man like Senator Blair and the Democrats put up a man like Representative Lewis, I want the prohibitionists to be consistent and vote for that man who will vote for their principles in Congress.

Mr. THOMAS. I assure you that in every solitary case the prohibitionists *will* vote for that man, or for a man equally decided upon the question, and backed by a party thoroughly committed to his support.

Representative TAYLOR. I have been a prohibitionist all my life, and I have spoken for prohibition in almost every church and school-house in my district. In 1884, I was gerrymandered into a Democratic district about 1,600 or 2,000 strong. I made the race, and a great many of the other party people proposed to vote for me (and did vote for me); nevertheless, the third party put a candidate in the field to run against me. I was only beaten 216 votes. When it became known at headquarters that a good many prohibitionists in my district were going to vote for me, they sent a speaker to canvass my district, and insisted that it was the duty of every prohibitionist to vote for their own candidate and maintain the integrity of the third party, whereas I could have been elected if they had given me their support and influence.

Mr. THOMAS. If Mr. Taylor had brought that as an argument against this pending question, I should consider it my duty to answer it, but I do not think he presents it for that purpose.

Representative TAYLOR. I must give the prohibitionists the credit that most of them voted for me.

Mrs. BITTENBENDER. This is a non-partisan movement, and we favor this measure just as Mr. Taylor does, who is a good Republican.

Mr. TAYLOR. I do.

Mr. THOMAS. Mr. Chairman, permit me to answer the question put to me by the gentleman from Ohio.

We hail with satisfaction the efforts of members in both branches of Congress who will vote to pass a law similar to the Wilson Senate bill. But the decision of the Supreme Court, recently made in the "original package case," shows the necessity for national constitutional prohibition in order to avoid involving the Federal Government in a clash with the State governments in the enforcement of the principle.

Representative TAYLOR. If you put it in the Constitution neither Congress nor a State could change it by any statute.

Representative LEWIS. I have been referred to as a prohibitionist. I do not want to put in a long statement, but I am not a prohibitionist. I am in favor of temperance, and I want to say that the diminution of crime and the moral improvement in Mississippi, as mentioned by my Senator [Mr. George] and corroborated by myself, has been achieved under what is known as "the local-option law." I am opposed to drinking liquor and I am opposed to the sale of liquor, but I am not a prohibitionist. I believe that this question should be decided by a majority of the people in the various localities of the country.

A MEMBER. That is prohibition.

Mr. THOMAS. Do you believe that your people should be compelled to bear the expenses forced upon you by the drinking habits in the adjoining States?

Representative LEWIS. What is that?

Representative PICKLER. I am a prohibitionist, both State and national. Can this question be discussed in this country for any length of time, unless we all become prohibitionists or all in favor of license; and which of the two are we going to become?

A MEMBER. I understand that everybody is in favor of license.

Senator GEORGE. I should like to ask a single question—only a question of fact. I have the impression—I do not know whether it is correct or not—that several years ago the State of Rhode Island amended her State constitution by making it prohibitory, and also that the legislature recently submitted another amendment, striking out the former. I want to know whether this last amendment carried?

Mr. THOMAS. It did.

Senator GEORGE. It is a fact in regard to Rhode Island that it tried the experiment of prohibition by a constitutional amendment, tried it a little while and then retraced its steps. Is that the fact?

Mr. THOMAS. There are two facts that are interesting in this connection. Maine had statuary prohibition for thirty years and then adopted the prohibitory amendment. Every political party in Maine indorses it, and even the last Democratic convention defeated a weak effort to attack that constitutional prohibition. Rhode Island did try it for a year and a half, and they were so hindered, handicapped, and thwarted by the Federal authority that in a spasm of thoughtless wrath and disgust they gave it up. They are heartily sorry for it to-day. And this is another strong plea for national action, which will help the State, instead of as now crippling her.

Senator GEORGE. I understand that constitutional prohibition was submitted in New Hampshire a year or two ago and was voted down by a considerable majority?

Mr. THOMAS. Yes, sir. But Senator Blair can inform you that the Federally protected brewery owned by Frank Jones had much to do with the defeat.

Senator GEORGE. I understand that a similar proposition was submitted in the State of Pennsylvania a year or two ago and was voted down by probably a hundred thousand majority. Is that a fact?

Mr. THOMAS. Yes, sir.

Representative PICKLER. Did the State of Pennsylvania have a square issue on the question of prohibition? Did not they compare that with some other law?

Mr. THOMAS. Yes, sir; with a law which is to-day absolutely worthless because of the attitude of the Federal Government, namely, the Brookes, or so-called high license Law.

The CHAIRMAN. I think we might say this, that prohibition in the States has been found to be almost impossible of execution against the opposition that is met in the recognition of the traffic by the Federal power. I do not believe any State will ever effectuate the prohibitory reform until the nation withdraws its practical opposition by some such measure as is now proposed.

Senator GEORGE. What has become of the Wilson bill?

The CHAIRMAN. That will leave us where we were before.

STATEMENTS OF MR. GEORGE MAY POWELL.

Mrs. BITTENBENDER. Mr. Chairman, I introduce Mr. George May Powell, of Philadelphia, Pa., president of the Arbitration Council, which is a national and also an international body representing the interests of peace, especially between labor and capital.

Mr. POWELL said: Mr. Chairman, I offer as a reason in favor of this Constitutional amendment what I know the best of you will justly consider—compared to other reasons presented here—a mean argument; mean because a material argument on a subject of highest moral moment.

In aiding to secure common sense settlements of troubles between labor and capital, and in preventing these troubles from arising, we have to deal with matters involving hundreds of millions of dollars a year. Experiences along these lines of effort satisfy us that if the money spent on intoxicants was spent for the honest and useful products of labor and capital, friction between labor and capital would be incalculably relieved, and both would be more prosperous. "Hard times" would measurably become an obsolete term, and the business stagnation now vexing our commercial and industrial operations mitigated.

We have come to see that mercenary arguments, in this "almighty dollar" age, will be the most efficient that can be advanced. When, therefore, the mercenary argument is most efficient in advancing moral ends, the mercenary, mean though it be, becomes the highest order of ethic force.

For the purpose of brevity, I will ask the reporter to place in his report a memorial, presented at our suggestion by Senator Frye on the 2d day of April, 1889, and published in the Congressional Record of the following day. I ask that this be placed in full upon the record, because we consider it is the essence of the whole subject in this phase of its presentation. That memorial is as follows:

Whereas the best interests of labor and capital demand the abatement of hindrances to their prosperity; and

Whereas fact and philosophy show that their greatest incubus is the waste of hundreds of millions of dollars annually in intoxicants, which, if spent in honest products

of labor and capital, would prove under-consumption instead of over-production to be the financial and industrial trouble of our country, every $100 of home beverage trade in intoxicants killing thousands of dollars of honest employment of labor and capital, and the same ratio of commercial ruin and death applying to liquor export, every $100 worth of which sent to African and other barbarous and semi-civilized people ruining thousands of dollars' worth of trade in products of American farmers, mechanics, and merchants.

Therefore, the United States Congress is hereby respectfully memorialized to authorize the Department of Labor to investigate the above indictment of manufacturers of and dealers in and exporters of intoxicants, as the great financial enemies of every producer on American farms, or in forests, mines, fisheries, or other honest skilled industries, of every stockholder in legitimate financial or manufacturing or exporting concerns, or in carrying and distributing trades on land or sea, and of all who earn or pay honest wages.

After having had something to do with successfully trying to settle some of these labor troubles from Maine to California I have become satisfied that liquor traffic, as maleconomic force, is at the foundation of labor troubles more than all other forces combined.

You know that according to some figures which the so-called "temperance cranks" throw out, $900,000,000 a year is said to be spent by the people of our country for drink. I have had some experience as a Government statistician in the Treasury Department, which has been of service in examining figures in this line, and I have become satisfied that $900,000,000 can be demonstrated by a pretty fair analysis of the Government customs and internal-revenue returns, satisfied, however, that that sum represents what is spent for approximately pure liquor for drinking purposes.

If you please, discount that $900,000,000 and throw out $200,000,000; the $700,000,000 left represents what is considered pure liquor. But there is hardly a policeman in one of our large cities who does not know that more than three-fourths of the liquor sold over the average bars of the country is not pure liquor. Ex-saloon men whom we have cross-questioned on this subject report the pure liquor at one-seventh, and some as low as one tenth of the entire retail sales. Therefore, make your own figures, if you please, and you will see that $900,000,000 falls far short of the annual retail liquor bill paid by the people of America. Drop this stupendous sum from the amount that should be coursing through healthy channels of commercial and industrial operations, and you will see what is the chief cause of stagnation in the legitimate and equitable business of this country.

This point is plausibly answered by saying, "The money spent for intoxicants is thus put in active circulation, and so prevents instead of creates hard times." The answer is more plausible than accurate. The pickpocket takes $100 from the pocket of an honest man who is going home at night; that money is put in circulation. But it is circulating in dens of shame and crime. The next day it would have been circulating among working men for their wages, or the merchant for dry goods instead of "wet goods." It is transferred from healthy to unhealthy circulation, and harms instead of helps the true interests of labor and capital. Consequently it would have been better for labor and capital if that $100 had been sunk "where the sea is deepest." That hundred dollars is a type of money worse than sunk in retail trade in intoxicants.

A few days ago I was in Boston, conversing with an old friend who is an art dealer. He said they were not selling nearly as many fine pictures as usual. I told him "the liquor business is causing the trouble." "Nonsense," he replied, "those who buy high priced pictures can pay for their own liquor, and still buy such pictures." I answered, "very

true, but the man who usually buys the picture may be a wholesale shoe manufacturer. Hundreds of little stores scattered across the continent which retail his goods are the springs that feed the financial stream in which his income is aggregated. Dry up these springs as they are being dried because people who should buy boots and shoes for themselves and their families are spending the money for intoxicants, and that makes the shoe manufacturer feel too poor to buy pictures. Thus it comes home to you in your picture trade."

In a little country town where through local option they had approximate prohibition, the liquor business was pretty well dried up. One result was the legitimate retail merchant's trade was increased $5,000 per week. Blacksmiths and other mechanics, and farmers around there, had thereby a corresponding increase also in their income.

You remember Agassiz said, in substance, "show me the scale of a fish and from its structure I will build up an accurate model of the fish from which it came."

In each of these illustrations of the politic economic of trade in intoxicants we have the scale of a fish which is destroying vast interests of labor and capital, more, in fact, than all other enemies they have combined.

Senator PAYNE said: Our time is very limited, and I suggest whether our friends will not be kind enough to tell us in what way Congress can interfere. The speech which the gentleman is making is hardly adapted to enlighten the committee.

Mr. POWELL replied: If you please, Mr. Chairman, it seems to us that an argument which involves billions of dollars a year in the current business of our people is pertinent to the proposed constitutional amendment under consideration. No other subject can be found which is more vital to labor, and to both fixed and floating capital. I do not need, however, to take more of your valuable time on this interesting occasion.

Senator PAYNE. If you will point out some method by which we can be of use as a Congressional body there would be some sense in it. The argument which you are presenting would be very well for a miscellaneous crowd but it is hardly adapted to show us what we want to know. I would like to know whether you, as an organization, have confidence in either of the political parties to day, that they will bring about what you desire?

Mrs. BITTENBENDER. No, sir; we have not. We are working with all political parties through a non-partisan movement. We do not believe it is possible for one political party to bring about what we desire, since it requires the concurrence of two-thirds of each House of Congress to propose a constitutional amendment, and its ratification by the legislatures of three-fourths of the several States, to make it valid. No political party has votes enough to amend the Constitution of the United States. Therefore, to be successful, we must pursue the non-partisan plan, which we are doing. We represent here to-day the entire temperance element of the country in all the political parties and in all of the temperance organizations

Senator PAYNE. You do not ask either of the political parties to aid you?

Mrs. BITTENBENDER. We are not asking one political party to aid us to the exclusion of any other. Rather are we asking aid from all political parties.

Senator PAYNE. I merely made the suggestion.

Mr. POWELL. I might possibly answer some questions, but I do not

wish to take the time. We consider this $900,000,000 of capital as the cause of the troubles between labor and capital and it is on account of this that we demand the submission and ratification of the amendment.

STATEMENT OF W. MARTIN JONES.

Mrs. Bittenbender introduced Mr. W. MARTIN JONES, right worthy grand treasurer of the right worthy grand lodge of the Independent Order of Good Templars.

Mr. JONES. Mr. Chairman, the question that is presented to this committee, I think, is simply this: Whether there is a demand from the people of this country to-day for the submission of the amendment as proposed by this joint resolution. I do not believe that it is essential that we should enter into any argument here as to the evils of intemperance. I think that these evils are recognized. It is not the question as to what party will do this. One of the gentlemen asks upon what party we may rely or whether we expect to rely upon any political party. By no means. This is entirely non-partisan. We come here representing different organizations.

I come here to-day to speak for several hundred thousand good templars in this country; and in their behalf, with their voice, I ask that you shall submit to the voters of this country and the States, as provided by the Constitution, the amendment proposed by the joint resolution. It seems to me that the real question here is, is there sufficient feeling in this matter to demand attention from this Congress?

Some of the gentlemen who have preceded me have stated the membership of the Good Templar Order, which I represent. It is stated as being about 300,000. That reminds me, gentlemen, of a story in connection with the French and German war. When Napoleon entered Berlin he imposed upon the German people a provision in the treaty that they should never have a standing army of over 42,000 men. There was an eminent soldier who succeeded to power, who kept the standing army at 42,000, but managed so to change that standing army every year by introducing new recruits that, by and by, when the third Napoleon was reigning in France, all Germany was educated to be soldiers.

The Good Templar army has been organizing, and while I say that they are 300,000 and more in number, there are millions ond have gone through the Good Templar field and the work there in the past and they have not given up their principles. I see members of your committee, at least one, whom I have met in the Good Templar field, and he is just as much a temperance man as ever, though he has had other duties which have called him away and he is not counted among the Good Templars to-day.

The system of that organization provides that a good financial standing shall be kept up by every member paying dues every quarter. There is, therefore, a large financial bill here. As treasurer of this organization I am paying out of the treasury of the international organization from $25,000 to $30,000 a year. It has a financial foundation for the purpose of spreading the work and educating the people, and that is what they have been doing since 1851, when the first lodge was organized. It is on the moral suasion line—not political. They have taken their stand; they took it early, before any other organization, before any step was taken in this direction for constitutional prohibition.

Year after year, by unanimous votes, the Good Templar order at their meetings in May last in Chicago; two years before at Saratoga; the year before at Richmond, and the next year at Edinburgh, Scotland, have each year adopted these resolutions demanding that we shall have State and national prohibition.

We are not seeking it through any political organization. We are seeking it through our own organization and through similar ones. We are educating the people, and I say to you that I speak not only for the membership as it exists to-day, numbering in this country in adult membership 300,000 or 400,000, but for the membership that has gone through its work, a membership which numbers more than 2,000,000 in this country.

There are some of them who were not voters when they entered, and we now have boys in the juvenile department to the number of something in the neighborhood of 200,000. These will become voters, and they are being educated for their duties as such. It was a priest of the Roman Church who said, "Give me the boys, the children of this country, until they are twelve years of age, and you may have them after that." Gentlemen, give us the children until they reach that age, and you may have them afterwards.

We want to educate them not as Democrats, or Republicans, or Prohibitionists, or Greenbackers; but as temperance men, and men that will stand by the home when the contest comes between the home and the saloon.

The CHAIRMAN. I would like to ask you a question, Mr. Jones, as this matter of party distribution comes in so often, in regard to the distribution of your membership among the political parties.

Mr. JONES. It would be quite difficult to answer that.

The CHAIRMAN. Have you ever made any such test at all, or taken any statistics that relate to that subject?

Mr. JONES. Never. It is provided among the rules of the order that politics shall be left at the door. It is not permitted to be discussed. Sometimes difficulties have arisen in lodges moving out of just such matters; and we have them here to-day. We are here to-day, not as Democrats or Republicans or Prohibitionists. We are here as citizens, governed by one purpose only, and in our order the political question is entirely left out.

The CHAIRMAN. Your order antedates the existence of the party movement, of course, and substantially your present membership does also?

Mr. JONES. By many years.

The CHAIRMAN. So that this demonstration of yours is strictly of a non-partisan character?

Mr. JONES. Entirely so. You know, of course, something about the the ladies' work, "the white ribbons," and that they have a division among them because of a certain indorsement of political parties. There is nothing of that kind among the Good Templars. There is no indorsement of political parties. A simple indorsement of the prohibition of the liquor traffic is the line on which that organization works, and in connection with it, at the same time, if you please, the line of education and bringing up of the young in that direction. So I speak here and lay before you the wish of 2,000,000 people of this country that you submit to the people this question of constitutional prohibition as presented by the joint resolution.

STATEMENT OF MRS. LYDIA H. TILTON.

Mrs. BITTENBENDER. Mr. Chairman, I introduce Mrs. Lydia H. Tilton, the legal secretary of the Non-partisan National Woman's Christian Temperance Union, who has been appointed by the president, Mrs. Phinney, to represent that national body on this occasion.

Senator PAYNE. "The Non-partisan Woman's Christian Temperance Union?" Then there is a division?

Mrs. BITTENBENDER. Yes, sir; I represented the National Woman's Christian Temperance Union in the beginning, one national body, and now Mrs. Tilton will represent the other—the one that was organized in January of this year—the Non-partisan National Woman's Christian Temperance Union.

Senator PAYNE. Does not that imply that there is a partisan body?

Mrs. BITTENBENDER. Yes, sir; it so implies. It was thought by some white ribboners that the National Woman's Christian Temperance Union held partisan relation to the Prohibition party, and the feeling was such that they went out and organized another national society.

Senator PAYNE. Is it not true that the old organization became so partisan, and offensively so, that this new organization of the non-partisan class of Prohibitionists was organized? Is not that true?

Mrs. BITTENBENDER. It is true that the organizers of the new society thought that the old organization had become partisan; but the old organization claimed and still claims to be non-partisan. The resolution on the subject adopted by the National Woman's Christian Temperance Union at its last convention, held in Chicago, in November 1889, reads:

> We believe it is vital to the temperance reform that the principle of prohibition be made the dominant issue in American politics. We therefore give our approval to that party only which declares in its platform for prohibition in State and nation and stands in action for its application to law.

Another resolution, adopted at the same time, reads:

> We greatly rejoice in the victory of our principles at the ballot-box in the new States of North and South Dakota, and are especially glad that the dominant party in South Dakota has explicitly declared for national prohibition.

Webster defines the word "partisan" thus:

> An adherent to a party or faction; one who is violently and passionately devoted to a party or interest.

Under that definition we plead "not guilty" to the charge of partisanship. To "give our approval" to a party does not make us adherents to that party. Let the National Republican or Democratic party declare in its platform for prohibition in State and nation, and stand in action for its application in law, and the National Woman's Christian Temperance Union will speedily resolve to "give our approval" to the Republican or Democratic party. Let each and every political party so declare and so stand, and each and every one of them shall receive "our approval."

Mrs. TILTON. Mr. Chairman and gentlemen, I know of nothing in the world that could better illustrate the true civilization to which this nation has attained than this scene in this proud capitol.

Honored national legislators have paused a moment, putting aside the thousand and one questions that crowd upon their thought, to listen to the voice of Home, and she whom God appointed to be the "keeper at home" is permitted to plead for the constitutional prohibition of a traffic that has so often made her attempts at keeping of none effect.

All the lines of home move in circles. They reach out into the world

and return again. Whatever touches the child reaches the heart of the mother; whatever injures the child outside the home endangers all joy and purity and peace in the home. To properly "keep" the home, then, we must reach out and try to put away all that threatens harm anywhere in the lines.

You will pardon us then for bringing even here the mother's plea; we beg you to weigh it in the balance against revenues and business reasons—the highest and best of which can never outweigh the soul of even the least of our boys.

From the highest and proudest homes, as well as from the humble cottage where watchful love has endured every privation for their sake, the bright happy boys go forth into ever-threatening danger.

We believe public opinion is rising to demand your prompt action in defense of American citizens even along all the paths by which they must come to manhood and to citizenship.

If Congress permitted squads of men to be licensed to stand upon the corners of our streets with loaded guns, to be fired in all directions at all hours of the day and far into almost every night, mothers might be told to "take care" of their boys, but sooner or later Congress would be held responsible for the death of the boys.

We can not always keep them within the four square walls that we call home, and, sirs, the men are waiting for themon the street corners all the time.

Some of our boys are always on their guard and so escape; but others, just as dear to us, are less careful. We watch and counsel and pray; and while we are trembing and hoping, strong men, who ought to know better, tell them there is no danger. Little by little they lure them on until our voices are no longer heard.

Some of our best and bravest are cautious for a time, but they see others pass in apparent safety and venture step by step until they are so sorely wounded, that if they can get back to us at all they are only wrecks.

I know neighborhoods are sometimes permitted to guard their own corners; but what does it avail if on other corners the same danger threatens, and the same boys are sooner or later exposed to it.

We appeal to you to submit to the people a prohibitory amendment of the Constitution that shall guard all the corners and make all paths safe.

The nation can not afford such a waste of its strength as the liquor traffic demands. It can not afford to keep up the procession through its saloons into the almhouses, jails, and prisons. Is it not strong enough to put the saloon away? States and towns have attempted the work, trusting that Congress would ratify their decisions with even stronger action, but recent events prove that one neighborhood is overruled by another, and the Supreme Court can overrule them all.

Is it too soon to hope to secure constitutional prohibition? It can not be too soon to begin the work. It certainly can not be too soon if we would save the boys of the day, thousands of whom are even now in the saloons.

We are told Congress is not responsible. Are mothers responsible for what passes into the home? If the girl in my nursery uses laudanum to still the crying and the children are killed, am I responsible? I do not furnish the laudanum; I do not give the girl any license to administer it; my attention is often called to it, but I am busy about other questions; and so, though I know the laudanum is there, and know its deadly effects, and that some of the little ones may be coaxed

to take it, I fail to prohibit it. Do I escape responsibility because I do not hold the spoon?

This nation is really a family. You preside over the home; you make rules for the children; have you not the power to protect them? You know the danger that threatens; you know your servants do not all guard the children's interests; you know that their ease and pleasure are purchased with the blood of your helpless ones. Can the work they do, in bringing in revenue, make good the loss of citizens? The organization I represent does not appeal to any political party, but to all good men. It can never pledge its approval to any political party. Its individual members work according to their own political convictions and give their influence to the right as they see it. Article 5 of our constitution says:

Neither the officers of this association nor the annual meeting shall directly or indirectly pledge the influence or co-operation of the association—in whole or in part—to any philanthropic or other association, to any political party, or to any religious sect.

But we pledge approval of all noble work, and are ready to do our part in securing the co-operation of the people of all parties.

We believe ours is the greatest nation and ours are the wisest statesmen of all time; we believe that the honored chairmen of these committees and many of their colleagues are already far in advance of many of the people; but we also believe the people can be aroused and led by them. They can only advance as you lead the way. The nation's life is in your hands. Remember, it is weaker for every boy that falls.

ADDITIONAL STATEMENT OF MRS. BITTENBENDER.

Mrs. BITTENBENDER. Mr. Chairman, Mr. F. M. Bradley, of this city, past most worthy patriarch, was appointed by Rev. R. Alder Temple, of Everett, Massachusetts, most worthy patriarch, to be present on this occasion, to represent the National Division of the Sons of Temperance of North America, one of our largest associations. He was in New York yesterday, and was expected home late last night. He is not present.

After making the statement that he was expected to represent this non-partisan society, organized in 1842, I would like to read the resolution which was passed at one of their national conventions a few years ago:

NATIONAL DIVISION OF SONS OF TEMPERANCE OF NORTH AMERICA.

Resolved, That in our opinion the most important legal action to be secured, in order to suppress the sale of intoxicating beverages, is to be found in the enactment of prohibitory amendments of the constitutions of the several States and of the United States.

I should like to ask whether any one is here to represent the Supreme Council of Templars of Honor and Temperance? Mr. D. McNally, of St. John, New Brunswick, the most worthy templar, wrote me that several members had been appointed to be here on this occasion to represent the society. In their absence, permit me to state that the society, which is non-partisan and was organized in 1845, after rejoicing over the adoption of constitutional prohibition in Rhode Island, "*Resolved*, That we hail this victory as only another indication of the advance in public sentiment, which we hope will before many years place our entire land under the banner of national constitutional prohibition."

The CHAIRMAN. Is there anything further you would like to say or that anybody would like to say to the committee?

Representative MORSE. I suggest that if there are other organizations here who have not been heard that they be given permission to give their remarks to the stenographer to be incorporated as part of the proceedings.

The CHAIRMAN. That suggestion will be considered as the order of the committee.

Representative PICKLER. I might say for the encouragement of those who are here that by the grace of the Speaker we have prohibition in the House end of the Capitol.

Representative STRUBLE. I have understood—I do not know whether it is true or not—that that relates only to purchases over the bar; that if the thirsty take seats and order a little in the food line they can get something to wash it down. [Laughter.]

A VOICE. Does that apply to the original package? [Laughter.]

STATEMENT OF LOUIS SCHADE, EDITOR OF THE WASHINGTON SENTINEL.

Mr. SCHADE. Mr. chairman and gentlemen, I merely want to make a very short statement.

The CHAIRMAN. Will you be kind enough to state who you are and whom you represent?

Mr. SCHADE. I am the editor of the Washington Sentinel, and if you ask me——

The CHAIRMAN. I ask you what you represent?

Mr. SCHADE. I do not represent any organization, but I come here in opposition to any national prohibition law.

Representative STRUBLE. Do you represent any brewers' association?

Mr. SCHADE. I do not represent any organization whatsoever, nor do I want to. I come here simply as a citizen, who in principle opposes a national prohibition law, and the object I had in view was simply to call the attention of the committee to the utterances on this side here [indicating], which must have shown to every one of you that you have not to deal with parties belonging to one or the other of the political parties, the Republican party or the Democratic party, but, what they style themselves, a sort of a non-partisan organization; perhaps most likely a third-party organization.

At the last election we find that this non-partisan organization polled 250,000 votes for President. Now the question arises whether you are going to pass a national prohibition law at the request of this small number of people, without any urgent demand coming from either of the two great political parties; whether you are willing to upset your financial system, which must necessarily follow, as at present you draw one hundred and twenty millions a year from the liquor traffic; whether you really believe, with all the experience you have had in all the prohibition States, the impossibilities which you have met with almost everywhere in carrying out these laws, that it is possible at the end of the nineteenth century, in a Christian country—and I lay particular stress upon the word "Christian," not a Mohammedan country—to pass a national prohibitory law?

I submit that it is the right of every one, as a citizen of this country, to eat and drink what he wants, or do anything else so far as his own bodily habits are concerned. Now, I say, do you really believe that

you can adopt a national prohibition law and carry it out at the end of the present century? If you were writing 1690 instead of 1890 there might be some possibility, and even at that time, I think, they had a great deal of trouble, for we find that whilst they had prohibition in different parts of the New England States they soon got rid of it, because they could not carry it out.

Representative STRUBLE. There is trouble both as to the license system and prohibition.

Mr. SCHADE. I do not believe that prohibition is temperance. The word temperance has only been used in connection with the name of their organizations, where they call them temperance organizations. That is all the temperance the other side really possesses. Prohibition is not temperance. Their leading men have confessed that it is not, their leading papers have conceded that prohibition does not mean temperance. Your experience in the States which have adopted prohibitory laws has also shown that prohibition is not temperance.

Representative SAWYER. What do you mean by temperance?

Representative MORSE. How many glasses of lager could a man drink and still be temperate?

Mr. SHADE. It depends entirely upon your constitution. You may drink as many as you like, for that is your business, not mine. But if you are temperate you will drink no more than you can stand. [Laughter.]

Representative STRUBLE. Does it not also depend upon your pocketbook?

Mr. SCHADE. That is another question. You prohibitionists may have national prohibition in the "sweet by and by," but the millennium has not come as yet. If it does come I am afraid you will be just as badly, if no worse, off, for how can you prohibitionists go into that paradise where Christ presides, who made and drank wine?

Rev. R. D. MUNGER. We will take that kind of wine.

Mr. SCHADE. Where Christ is presiding, who made and drank wine. How can you get access there? Your place will be somewhere else. I do not know what sort of a climate it will have; in all probability it will be considerably hotter. In order to find your paradise you will have to go where Mohammed rules, for he forbade the use of wine, and the consequence was that his followers substituted, like many of you, opium, and I have not heard to-day a single word in opposition to opium use.

Representative SAWYER. As I understand your views, having heard you on previous occasions, your idea is that the highest form of Christian civilization and religious progress will be seen in those countries where the people have the unlimited right to eat and drink and sell without any legal restriction.

Mr. SHADE. I have answered that question.

Representative SAWYER. Are you in favor of restriction?

Mr. SHADE. I am not in favor of outright prohibition, nor am I in favor of drunkenness under any circumstances. I despise a drunkard perhaps more than your people do here.

Representative SAWYER. As I understand your position it is that society has no right to say what I shall eat or drink?

Mr. SHADE. I claim, sir, that an American citizen should have the poor privilege of controlling at least his own person, for how can he exercise political self-government if he can not control his own body. That is exactly what I claim. I am here for the principle of personal liberty, you may say.

Representative SAWYER. The right to buy and drink what I want, and nobody has a right to restrict.

Mr. SCHADE No, sir. I think that an American citizen must be a miserable being if he can not be allowed the control as to what he is to eat and drink.

Mr. JONES. Daniel Webster was one of them.

Representative PICKLER. Would you object to this amendment being submitted to the vote of the people as these parties ask?

Representative MORSE. You believe in a republican form of government, do you not?

The CHAIRMAN. Give the gentleman a chance to answer one question at a time.

Mr. SCHADE. I think it is humiliating that at the end of this, the nineteenth century, we should have the people of this country vote whether an American citizen shall be allowed to enjoy as much self-government as is not even denied to the miserable subjects of the despotic countries of Europe.

The CHAIRMAN. This is the question, whether, there being ten or twenty million people who want a chance to vote on this question, it should be submitted to them and they have the personal liberty to vote on it, and then be bound by the result.

Mr. SCHADE. I will come to that, too. There is certainly, or there ought to be, in every American citizen a certain feeling of pride. He ought to have the conviction that there is enough intelligence among his own people that it would not be necessary to vote and decide by a majority vote what a man should eat and drink, when at the same time you do not insist upon, or compel him, to go through the same ordeal in regard to political rights which are, in my opinion, ten thousand times more important than the simple question of what a man shall eat and drink.

Representative LEWIS. Do you mean to say, then, that if a law should be passed restricting a man within certain limits as to his habits of drinking by a majority of the people of this country you would not abide by it.

Mr. SCHADE. I do not allow any majority of the people to tread upon me as long as I claim to be a free American citizen.

Mr. JONES. Then you are a Democrat.

Mr. SCHADE. I do not allow the Democratic party or any other party to dictate to me by a majority vote what I shall eat or drink. If I can not control my own habits, I am a most miserable being, unfit for the exercise of any political rights. Now that is my position.

Representative PICKLER. Do you believe that a legislature has a right to say that you shall not buy or sell bad meat?

Mr. SCHADE. Certainly, but it is left to me whether I shall buy or eat bad meat, and I should have the right to decide myself for my stomach what is good and bad.

Representative PICKLER. No, it is not.

The CHAIRMAN. You will understand, Mr. Schade, that this is not a proposition as to what you shall eat or drink, but it is the sale.

Mr. SCHADE. The sale and manufacture of anything will soon stop when there are no consumers, and they are the ones who are mostly interested in this question.

I am not for free whisky, as you seem to be altogether. Prohibition means free whisky and nothing else. Take away the taxes which the Government now places upon whisky; take away the machinery of the Internal Revenue Department and you will find that almost every

household, every farm-house, will have its own distillery and manufacture the needful. I am not in favor of free whisky as much as you are. Besides, you know that by all such laws you are doing exactly the contrary of what you pretend to do, and in addition—and that is the worst part of it—you are making your people hypocrites.

The CHAIRMAN. Have you any more sentiments of that kind that you think pertinent to this issue?

Mr. SCHADE. No, sir; but if you want to have more, I can go on.

Mr. JONES. I would like to call your attention to a statement you have just made that prohibition is free whisky. If that is the fact, I would like to know why the brewing interests are so thoroughly opposed to the prohibitory law in Kansas and Iowa, and in the Dakotas, and in other States which have adopted prohibition?

If it be a fact that prohibition is free whisky and free beer, of course then why do you not sustain prohibition in prohibitory States?

Mr. SCHADE. You ought to divide that question.

Mr. JONES. You may divide it.

Mr. SCHADE. It may be free whisky although it may not be free beer, because whisky will not spoil as beer will, which latter, unlike whisky, can not be smuggled in because it is too bulky; that is the reason.

Now as to the other question the gentleman asked of me, I told him—and I can not repeat it any longer—I am not the representative of the Brewers' Association, or any class or association at all. I am here on my own hook as I said before. If I have been represented as the attorney of the United States Brewers' Association, that may have been correct two years ago, but I am not the attorney of the United States Brewers' Association now. You will have to hunt for some one else in that connection.

Mr. JONES. You seem to be the mouthpiece of that association now.

Mr. THOMAS. Will you kindly tell the committee whether you have on the platform, and through the journal which you edit, counseled the liquor sellers in various States to refuse to obey the laws passed by the legislatures of the States and by the people in their own capacity.

Mr. SCHADE. No, sir. I have on the contrary advised them to obey the laws, but elect such legislatures so that they could get rid of those laws; but I have never been foolish enough to advise them to refuse to obey the law and suffer the consequences.

Mr. THOMAS. You have not advised them to disregard prohibitory laws and have not provided money to pay the expenses——

Mr. SCHADE. I have always advised my people to obey the law.

The CHAIRMAN. Whom do you mean by your people?

Mr. SCHADE. Those who are with me on my side.

The CHAIRMAN. Who?

Mr. SCHADE. About fifty-five of the sixty-five millions of the people of the United States.

The CHAIRMAN. Who are the other ten millions?

Mr. SCHADE. That number may be perhaps your friends. [Laughter].

Mr. THOMAS. I hope I may be allowed to submit some utterances, or reported utterances, of Mr. Schade.

The CHAIRMAN. If you do you perhaps ought to submit those extracts to his examination.

Mr. JONES. Is it possible to run the American saloon without sacrificing the American boy?

Mr. SCHADE. I am not here as the representative of the American saloon. I am not here as the representative of anybody. I am here as a citizen of the United States protesting against prohibitory laws;

that is all. Besides your boys must be miserable beings and educated very badly if they can be sacrificed by the American saloon. Mine will not be.

Mrs. BITTENBENDER. I would like to ask a question of the honorable Mr. Pickler, from South Dakota, in regard to the aid given by the Woman's Christian Temperance Union of his State for adoption of the prohibitory amendment of the Constitution. What was it, may I ask?

Representative PICKLER. The Republican party in South Dakota adopted prohibition in its platform, State and National, and the Woman's Christian Temperance Union joined in very heartily in carrying it through, and I believe that they had more to do with carrying the amendment than all the political parties together.

STATEMENT OF L. S. COFFIN.

Mr. L. S. COFFIN, of Fort Dodge, Iowa, the representative of railroad employés to obtain for them national legislation for the protection of life and limb, submitted the followinging statement:

Mr. Chairman and members of the committee, in behalf of the toiling millions of wage-earners, I, as a life-long worker, would most earnestly and yet respectfully ask that Congress take hold of this matter, that the saloon may be banished from our land.

The saloon is the bane of the wage-worker. I would at this time speak more especially for the million of men to whom the railroads of the nation give employment. The saloon has always kept pace with the railroad. At every station, and especially at every "division," where more or less of railroad men were to be for a time stopping, there the saloon always dogged their steps. As a rule railroad men are open-handed, big-hearted, generous fellows. They were the choice prey of the rum seller. Absence from home, denied in a great measure the hallowed associations and restraint of the Sabbath at home with their families, their life being one of peculiar hazard and excitement, they become subject to peculiar and strong temptation, and the great wonder is that so many withstood the subtle influence of the saloon and the wiles of the tempter. Of late years these men have learned by bitter experience that the saloon is one of their worst enemies. They have organized themselves into brotherhoods for mutual benefit, and for strength to each other to resist the debasing influence of the saloon. There are to-day the "Order of Railroad Conductors," "Brotherhood of Locomotive Engineers," the "Brotherhood of Locomotive Firemen" and the "Brotherhood Railroad Trainmen," numbering in the aggregate from 75,000 to 100,000 strong, able-bodied men, most of them on the morning side of middle aged manhood.

"Sobriety" is one of the cardinal words and principles of each of the orders. No man can long belong to eitherorder and be a frequenter of a saloon and addicted to intemperate habits.

The general managers of the roads of this nation are also taking decided stand on this drink habit, and already some have issued orders that no man can stay in their employ and be intrusted with the management of trains in any capacity if they are habitual drinkers, and some have gone so far as to give general notice that if seen to go into saloons even when off duty, will be cause of dismissal from service.

These men know and feel the great danger that comes to them from the near-by saloon. They want this great temptation removed, and if they can have the opportunity to vote it out of existence, would do so even though they may from time to time take a social glass with their fellow-

trainmen. The responsibility of men in handling railroad trains is great. The work is such as requires the best possible use of every faculty. Public safety demands that sober men should handle trains.

Every interest demands the banishment of the saloon. We ask then that the laboring man, the wage-worker, to whom the saloon is a standing menace, and that the railroad man shall have a chance to vote it out of existence.

At 12.30 o'clock the committee adjourned.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 218.

IN THE SENATE OF THE UNITED STATES.

AUGUST 19, 1890.—Ordered to be printed.

AMENDMENT INTENDED TO BE PROPOSED BY MR. HOAR TO THE RESOLUTION SUBMITTED BY MR. QUAY, AUGUST 18, 1890.

Amend the resolution by inserting after the words "the pending bill (H. R. 9416)" the words: "the bill to amend and supplement the election laws of the United States (H. R. 11045)," and by adding at the end of the resolutions the words: "And immediately thereafter the bill to amend and supplement the election laws of the United States shall be taken up for consideration, and shall remain before the Senate every day for three days, after the reading of the journal, to the exclusion of all other business, and on the 4th day of September, at 2 o'clock, voting thereon, and on the then pending amendments, shall begin and shall continue from day to day, to the exclusion of other business, until the same are finally disposed of."

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 219.

IN THE SENATE OF THE UNITED STATES.

AUGUST 19, 1890.—Ordered to be printed.

Mr. HOAR submitted the following, intended to be proposed as a

SUBSTITUTE

For the resolution submitted by Mr. Quay August 18, 1890:

Resolved, That the rules of the Senate be amended by adding the following:

When any bill or resolution shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measure shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice shall then be given, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure not more than once, and not exceeding one hour.

After such demand shall have been made by any Senator no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

After the Senate shall have decided to close debate no motion shall be in order but a motion to adjourn or to take a recess, when such motions shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure, or one vote upon the same shall have intervened.

For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL are modified.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 220.

IN THE SENATE OF THE UNITED STATES.

AUGUST 22, 1890.—Presented by Mr. Platt, referred to the Committee on Appropriations, and ordered to be printed.

LETTER OF THE SECRETARY OF THE INTERIOR, TRANSMITTING REPORTS RELATIVE TO THE DESTITUTION NOW EXISTING IN THE TERRITORY OF OKLAHOMA.

DEPARTMENT OF THE INTERIOR,
Washington, August 20, 1890.

DEAR SIR: I beg leave to inclose you herewith copy of a communication from the special land inspector sent by me to Oklahoma, and transmitting to me a number of reports as to the destitution now existing in that Territory, copies of which are also transmitted. I have no means at my command for the relief of the people, and submit the same to the consideration of your committee for such action as you may deem the case requires and the law authorizes.

Yours, respectfully,

JOHN W. NOBLE,
Secretary.

Hon. O. H. PLATT,
Chairman Committee on Territories, United States Senate.

GUTHRIE, OKLAHOMA, *August* 16, 1890.

THE SECRETARY OF THE INTERIOR:

DEAR SIR: Reached this place last night at 10 o'clock; at 7.30 this morning called on Governor Steele; he places the destitute at one-third of the people outside of the large towns. Captain Burbank, Tenth Infantry, and Captain Cavanagh, Thirteenth Infantry, are under orders from Colonel Wade now investigating the condition of the people. The inspection is from house to house. I will send some of their reports.

There is a Republican convention here to-day, and consequently I have met representative men from all parts of the Territory, and find that fully one-third of the people, without any fault of theirs, are now or soon will be in actual want. Many are anxious to keep from the public the actual condition of things and seem to prefer to do or die rather than ask aid; even the poor negroes in the northwest part of the country seem to be imbued with the same high purpose to get along somehow and hold their land.

From what I can learn a very little corn and less bacon is the extent of the food in sight now.

There is no money and nothing to sell to get any, and no seed wheat for fall planting because the people have no means to purchase.

I have just met and conversed with two very intelligent negroes from Kingfisher, whom the governor says are perfectly reliable, and they report that one-third of their people at least are now in want, having raised absolutely nothing. They mention parties who have lived on less than one dollar a week for some time, and that little has been contributed by friends.

I have spent most of the afternoon with Captain Cavanaugh, and have heard many things that convince me beyond a doubt that help must be sent at once. One case was a comrade, fifty-nine years of age, late of the Fourteenth Iowa Infantry, who

was in the storming party at Donelson. He has a wife and two grown daughters; he left his home a week ago to work here with his team; he gets one dollar a day and pays fifty cents for feed and sends the balance to his family, living himself on bread and water. He stated that he left 5 pounds of meal and about 3 pounds of bacon, all he had in the world. He also said if he could get 50 cents per day and something to feed his team he could manage to pull through. I helped him all I could, and when he received the same he broke down and wept like a child.

I respectfully inclose some papers from Captain Cavanaugh, gathered from personal inspection, which will show that the half has not been told. Help is needed at once.

Respectfully, your obedient servant,

THOS. J. NEWSHAM,
Special Land Inspector.

CAMP AT GUTHRIE, OKLAHOMA TERRITORY, *August* 12, 1890.

SIR: The following facts are submitted from personal inspection and investigation by me:

I visited many settlers within a radius of 10 miles of Guthrie, Oklahoma, and am of the opinion that at least 33 per cent., if not more, of the families do and will require assistance from some source, to enable them to subsist here during the coming fall and winter; many of them require food at once.

At least one-third of the people visited by me had nothing but a few pounds of meal or flour and very little bacon.

I did not see a luxury of any kind, but quite a number of sick who required them—nor money to buy the necessary medicines for the sick.

I visited many families consisting of from four to six persons who are living on from one to one dollar and fifty cents per week; it is true they only had corn meal and bacon.

One case I found of a man, wife, and two children had in his house three small loaves of bread and a meat bone, for which he received credit for that morning; he did not know where the next day's provisions were to come from; had not one cent of money and he could get no work, labor being more plentiful than the demand.

The larger majority of the homes I visited were neat, tidy, and clean, houses and surroundings in the same condition; also their clothing, but no money, nor is there any obtainable from any source; therefore no provisions to sustain life.

I found the people very loth to acknowledge that they were in want or in destitute circumstances but tried very hard to hide the facts. All feel they came to Oklahoma for homes and want to stay; in fact a number told me they came to stay and would until they starved. I see no alternative but for them to starve or go, unless assistance is forthcoming at once.

The crops are an utter failure. I did not see an ear of corn during my inspection in a ride of at least 40 miles, nor any other grain.

The corn is not sufficient to forage the stock in this locality; those who have stock to dispose of can not sell it, there being no money to purchase with, and if they did sell would be in much worse condition this fall and next spring, as they would be unable to make or put in any crops.

There is no doubt that some action must be taken, and that at once, to prevent a great amount of suffering by the people of Oklahoma, at least in this vicinity.

I did not confine my examinations to the locality mentioned in Governor Steele's letter to the President, for from the personal applications made to me for rations, I knew of the destitution existing so long ago as last winter and am only surprised that application for relief was not made months ago.

I am, very respectfully,

H. C. CAVANAUGH,
Captain Thirteenth Infantry, Commanding.

Col. J. F. WADE,
Fifth United States Cavalry.

[Submitted by Dr. J. C. McCahlron.]

Northwest quarter, T. 16, R. 1 W.

(1) Mr. C. M. Stout, southwest quarter, Sec. 8, T. 16, R. 1 W. Five in family; three children. What means of support have you for the year coming? None that I know of. Have you any crops? None; all dried up.

(2) Northwest quarter, Sec. 5, T. 16, R. 1 W. Mr. C. G. Triplet. Sixteen acres in corn; no corn, all dried up; one in family, self-sustaining.

(3) Southwest quarter, Sec. 5, T. 16, R. 1 W. Twenty-five acres of corn. Not possible to raise corn this year. Three in family, self-sustaining.

(4) W. S. Anderson, southwest quarter, Sec. 6, T. 16, R. 1 W. Three acres corn; no corn, all dried up.

(5) Mr. Stuart B. Davis, northeast quarter, Sec. 9. Twenty acres in corn; no corn, all dried up. The grass will burn anywhere on any claim.

(6) A. J. Pennington, southeast quarter, Sec. 4, T. 16, R. 1 W. Thirty acres in corn, all dried up. I do not raise one bushel. Self-sustaining for the present.

(7) S. U. Lamar, southwest quarter, Sec. 4, T. 16, R. 1 W. Leave of absence; crop all dried up.

(8) Mr. George E. Emmans, northwest quarter, Sec. 9, T. 16, R. 1 W. Four in family; 30 acres in corn; all dried up; do not see how I can live this winter without work; I need help immediately.

(9) Nancy Ogden, northeast quarter, Sec. 6, T. 16, R. 1 W. One in family; no crops; can not live without work; no means of support at present.

(10) Mr. Workman, northwest quarter, Sec. 4, T. 16, R. 1 W. No crops; all dried up; can not live through the winter without work.

(11) Workman, northeast quarter, Sec. 4, T. 16, R. 1 W. No crops; everything dried up; must have help in some shape this winter.

(12) Mr. A. C. Goodrich, southeast quarter, Sec. 6, T. 16, R. 1 W. No crops; self-sustaining; do not want any help.

(13) Mr. Baise, southeast quarter, Sec. 18, T. 16, R. 1 W. No crops; all dried up.

(14) Joseph Mooney, northeast quarter, Sec. 8, T. 16, R. 1 W. Thirty-two acres in corn; it is impossible to make corn this year; all dried up; self-sustaining for the present.

(15) Albert Miller, northwest quarter Sec. 18, T. 16, R. 1 W. Ten acres in corn; all dried up; in suffering condition at present; must have help or work.

(16) Alfred Balew, same quarter contest; five in family; very destitute; need clothing and food badly; husband gone to see if he can get work.

(17) Southwest quarter Sec. 18. No one at home; crops all dried up.

(18) Mr. Fisher, southwest quarter, Sec. 17. Ten acres corn all dried up; destitute; do not know what to do.

(19) Mr. Simpson, Southwest quarter Sec. 17. Six in family; no crops; guess will have to go to the States.

(20) Mr. Joes, southeast quarter Sec. 17, R. 1 W. No crops; all dried up; self-sustaining.

(21) Cunningham, northeast quarter Sec. 7. T. 16, R. 1 W. No crops; self-sustaining.

(22) William Lemar, northwest quarter Sec. 5, T. 16, R. 1 W. No crops; all dried up.

(23) Mr. B. B. Ball, southwest quarter Sec. 5, T. 16, R. 1 W. Gone to the States on account of drought.

(24) J. G. Mc. Cathrin, northwest quarter Sec. 8, T. 16, R. 1 W. No crops; all dried up. Thomas H. Smith, southeast quarter Sec. 8, T. 16, R. 1 W. No crops; all dried up. Do not know what to do.

OKLAHOMA TERRITORY.

To the Citizens of Guthrie:

We, the citizens whose names are signed to this paper, would respectfully ask aid of those more favored. We have not had the rains this year that the rest of the country have had, and raised nothing. Three large families, and no means to support them.

Give to the poor and needy and God will bless us, as we the undersigned or all landholders.

J. H. BURNS,
S. BAXTER,
JOHN T. BURNS,
H. C. WOODWORTH,
L. YOUNG,
J. K. C. YOUNG.

Result of the investigation by some of the above.

Sec. 31, T. 19, R. 2, west, four families, nothing. Two Youngs, nine in family, have for three days at a time had no meal; had a few small potatoes and onions; other times made soup out of cane tops or anything they could get. Baxter, seven in family, brought two dozen chickens; got $2 for them; took meal for that; two more dozen chickens; when they are gone have nothing. All the same. Nothing four miles west of Orlando.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 221.

IN THE SENATE OF THE UNITED STATES.

AUGUST 25, 1890.—Ordered to be printed.

Mr. ALDRICH submitted the following

PROPOSED AGREEMENT FOR THE CONSIDERATION OF BILL H. R. 9416

That the consideration of the pending bill (H. R. 9416) shall be continued to the exclusion of all other business except appropriation bills and conference reports, to and including Wednesday, September 3, subject to general debate; and during Thursday, September 4, Friday, September 5, and Saturday, September 6, subject to the five-minute rule in debate; no Senator to speak on any one question more than once; and on Monday, September 8, and thereafter, on bill or amendments, without debate, to and including the third reading, when three hours shall be allowed to each side for general debate, and then the final vote shall be taken on its passage.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 222.

IN THE SENATE OF THE UNITED STATES.

AUGUST 25, 1890.—Presented by Mr. SQUIRE and ordered to lie on the table and be printed.

MEMORIAL OF THE CHAMBER OF COMMERCE OF SEATTLE, WASHINGTON, PRAYING FOR AN APPROPRIATION SUFFICIENT TO PLACE THE PACIFIC SEA-COAST IN A CONDITION OF DEFENSE.

[*Trustees:* John Leary, president; E. O. Graves, vice-president; Thos. W. Prosch, second vice-president; E. F. Wittler, treasurer; Percy W. Rochester; A. P. Mitten; B. F. Shaubut; Herman Chapin; W. E. Bailey; A. Holman; G. Davies; G. H. Heilbron; U. R. Niesz; Jacob Furth.]

SEATTLE CHAMBER OF COMMERCE. (INCORPORATED.)
Seattle, Washington, August 4, 1890.

The Chamber of Commerce of the city of Seattle, State of Washington, respectfully petitions the Congress of the United States for the appropriation of money sufficient for the putting of our sea-coast in a condition of defense enabling it to withstand any attack either likely or possible. It is not believed that $150,000,000 will be too much for this purpose, one-fifth of which amount, or $30,000,000, will be no more than adequate for the proper fortification of the Pacific coast.

In the States of California, Oregon, and Washington two million people, and property valued at $2,000,000,000 are exposed in a manner reprehensible and little short of criminal to the assaults of foreign foes. Nothing whatever worthy the name of fort is to be found on American soil from the Gulf of California to the Arctic Ocean. Not a single modern gun is available for offense or defense. A score of the most contemptible powers on the surface of the earth have ships capable of destroying anything afloat bearing the flag of the United States, and then, without injury to themselves, laying under tribute or destroying the beautiful, populous, and wealthy cities of the coast.

No other part of the American sea-coast is so exposed as Puget Sound. The most determined, aggressive, and courageous of European people, having the most numerous and powerful navy afloat, and with commercial interests of the greatest magnitude, adjoin us on the north, separated only by an imaginary line.

To maintain their dignity and supremacy, an immense establishment is supported, only 12 miles from our shore, second in extent and strength to nothing on the American continent.

This establishment includes a fully equipped navy-yard, with stone dock large enough for the biggest ships in the British navy, the constant presence of a fleet of fast cruisers and heavily armored battleships, numerous batteries of guns of the latest and most effective pattern, and hundreds, sometimes thousands, of seamen, mariners, and soldiers. That all these men and means are intended for operation against the United States there is no gainsaying. No other considerable country is nearer than 4,000 miles, and no other country is men-

aced in any but the slightest degree by this vast and warlike establishment.

In the present defenseless condition of Puget Sound, the outbreak of hostilities with this nation would be followed by excursions from this fortress that would end most disastrously and ingloriously to the American cause, resulting in the immediate subjugation and occupation of this invaluable region, and the possible destruction of property worth more than the amount asked for the defense of the whole American sea coast—the Lakes, Atlantic, Gulf and Pacific included.

This chamber believes that an exigency exists which calls for the most prompt and decisive action on the part of Congress.

JOHN LEARY,
President.

51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 223.

IN THE SENATE OF THE UNITED STATES.

AUGUST 25, 1890.—Reported and ordered to be printed, and recommitted to the Committee on Indian Affairs.

Mr. DAWES, from the Committee on Indian Affairs, reported the following

LETTER FROM THE SECRETARY OF THE INTERIOR ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS, TRANSMITTING COPY OF A COMMUNICATION FROM THE COMMISSIONER OF INDIAN AFFAIRS AND ACCOMPANYING PAPERS, RELATIVE TO COAL LEASES IN THE INDIAN TERRITORY.

DEPARTMENT OF THE INTERIOR,
Washington, August 20, 1890.

SIR: I have the honor to acknowledge receipt of your communication of 1st instant and accompanying Senate resolution, 119, "relating to coal leases in the Indian Territory," wherein you request to be furnished with copies of such leases as is its intent to ratify, together with the opinion of the Department as to the propriety of the ratification of either of said leases.

In response I transmit herewith a copy of a communication of 14th instant from the Commissioner of Indian Affairs and accompanying papers.

In connection with this I also submit an opinion from the First Assistant Secretary, to whom the subject was referred, together with the letter of the Commissioner.

In my judgment the resolution should not be adopted. I believe it will establish a gross monopoly in the interest of the railroad company, and break down competitive interests in all the adjoining territory. It will cripple the Indian Nation now, and greatly interfere with the policy of the United States to lead the Indian tribes to lives of industry and self-support. Future opportunities and benefits to the Indian nation or its members would be anticipated and shut out for the immense period of a century; and when the United States endeavors hereafter to deal with these tribes, in the interests of our own people, the great values of the lands will be found in the hands of third parties, thus sanctioned. These coal leases will not be all if this policy is adopted. There will be more of these, and there will be many more as to other valuable products the Indians may be induced to barter.

The question of the legality of these leases is also, in my judgment, most serious, as exhibited by the First Assistant Secretary. But I place my objection chiefly upon the ground of public policy and the proper administration of our Indian Affairs.

Most respectfully, JOHN W. NOBLE,
Secretary.

Chairman COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

[Senate resolution 114, Fifty-first Congress, first session.]

JOINT RESOLUTION relating to leases in the Indian Territory.

Whereas certain citizens of the Choctaw Nation have, for the purpose of developing its mineral resources, made leases of coal and mineral rights to the Choctaw Coal and Railway Company, a corporation existing under the laws of the State of Minnesota, and having a right of way for railway, telegraph, and telephone lines granted to it through the Indian Territory by the Congress of the United States, and have, also, made to other persons leases of a similar nature, the consideration being the royalties expressed in said leases: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That consent be, and the same is hereby, given to all leases of coal and mineral lands or rights which the citizens of the Choctaw Nation have made, or may hereafter make, to the said Choctaw Coal and Railway Company, or to any other persons or corporations; and the leases heretofore made are hereby ratified and confirmed: *Provided*, That the terms expressed in the said leases heretofore taken shall not be changed, either as to the time, conditions, or royalties to be paid: *And further provided*, That the rights and privileges of the Choctaw citizens as guaranteed in said leases shall be at all times observed by the said Choctaw Coal and Railway Company, and all other persons or corporations holding such leases: *And further provided*, That all royalties which may become due the Choctaw Nation shall be promptly paid in accordance with the stipulations contained in said leases, unless the same shall be modified or changed by mutual consent of the lessees and the said Choctaw Nation: *Provided further*, That all citizens of the Cherokee, Chickasaw, Creek, and Seminole Nations shall have the same right and privilege of leasing coal and mineral rights as is herein granted to the citizens of the Choctaw Nation: *Provided further*, That nothing in this resolution shall be so construed as to convey to the lessees of the said coal and mineral rights any right, title, interest, or use of the surface of the lands covered by said leases, but shall be strictly confined to the mining and development of the coal or minerals found under said lands covered by the said leases, except the right of ingress, egress, and to so much of said surface as may be essential for right of way over said lands, and for the erection of buildings and machinery needful in the prosecution of the work of mining or developing the coal and minerals under said lands.

[Senate Resolution 119. Fifty-first Congress, first session.]

JOINT RESOLUTION relating to coal leases in the Indian Territory.

Whereas certain citizens of the Choctaw Nation have, for the purpose of developing its resources, made certain leases of coal rights to the Choctaw Coal and Railway Company, a corporation existing under the laws of the State of Minnesota, and having a right of way for railway, telegraph, and telephone lines granted to it through the Indian Territory by the Congress of the United States, and also certain other leases to citizens of the United States, which said leases were transferred to the said Choctaw Coal and Railway Company, the consideration being the royalties expressed in said leases: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That consent be, and the same is hereby, given to certain leases of coal rights which citizens of the Choctaw Nation have made to the said Choctaw Coal and Railway Company, or to citizens of the United States and by them transferred to the said Choctaw Coal and Railway Company, certified copies of the said leases to be deposited with the Commissioner of Indian Affairs, who shall receive and receipt for the same; and the said leases heretofore made are hereby ratified and confirmed: *Provided*, That the terms expressed in said leases heretofore taken shall not be changed, either as to the time, conditions, or royalties to be paid: *And provided further*, That the rights and privileges of the Choctaw citizens, as guaranteed in said leases, shall be at all times observed by the said Choctaw Coal and Railway Company: *And provided further*, That all royalties which may become due to the Choctaw Nation or its citizens shall be promptly paid in accordance with the stipulations contained in said leases, unless the same shall be modified or changed by mutual consent of the lessees to the said Choctaw Nation or its citizens: *Provided further*, That nothing in this resolution shall be so construed as to convey to the lessees of the said coal rights any right, title, interest, or use of the surface of the lands covered by the said leases, but shall be strictly confined to the mining and development of the coal found under said lands covered by said leases, except the right of ingress, egress, and to so much of said surface as may be essential for the right of

way over said lands, and for the erection of buildings and machinery needful in the prosecution of the work of mining or developing the coal under said lands: *Provided further*, That nothing herein contained shall be so construed as to deprive any individual Indian of any rights which he may have had before the passage of this resolution under the constitution and laws of his own nation: *Provided further*, That the lessees of said coal rights shall render a sworn statement to the Commissioner of Indian Affairs or the United States Indian agent for the Five Civilized Nations, during the first week of each month, showing the amount of coal taken from the mines on said coal rights for the month preceding, and the royalties paid to the said Choctaw Nation and to the individual citizens holding said coal rights: *Provided further*, That in the event of the extinguishment of the Indian title to the coal rights covered by these leases, the lessees agree to pay over, as the United States may direct, the royalties arising from the mining of coal on the said coal rights, which are now payable to the Choctaw Nation, in the same manner and for the same amount as at present.

DEPARTMENT OF THE INTERIOR, *Washington.*

Mr. SECRETARY:

From such consideration as I have been enabled to give this case, during the limited time which I have had it under advisement, I can find no express authority for these leases, and, I suppose, that it is on account of there being no such authority that this joint resolution has been introduced to confirm them. So far as this Department is concerned, it seems to me that this is a question of administrative policy to be determined, taking into consideration: First, The rights of the Indian; second, those of the Government; and third, the interests of the company. Looking the field over in this light, the question naturally arises should the Department in the interest of this company and the individual Indian, recommend a measure which will place such varied interests and such great power as are necessarily incident to the control of these coal fields in its hands, as is here desired. As I look at it, it is practically granting to this company a gigantic monopoly of these coal fields, and places at its disposal franchises which ought not to be extended for a period of ninety nine years.

While it is true, as I suppose, and as I gather from the letter of the Commissioner, that this company has invested hundreds of thousands of dollars in this enterprise in the construction of its road, and in preparing to operate these mines, yet, that is no reason why the coal fields of this nation should be placed at the disposal of this railroad company. It entirely ignores the nation as such, and deals exclusively with individual members thereof, so that it practically puts the Choctaw government at the mercy of this private enterprise; entirely ignoring any other interests than those of the individual, it proceeds to execute these leases with him. To recognize this right deprives this local government of the revenues which it has heretofore realized from its mines, and naturally creates a grating between it and the National Government, and while the local constitution for the government of the tribe itself as between individual members thereof, grants the citizen this extraordinary privilege of operating a mine a mile in any direction from his works or improvements thereon, yet there is nothing therein which prohibits the national council from placing such a wholesome legislative enactment thereon, as in its judgment it deems for its best interest; and now, by the recognition of these leases, to ignore the right of this nation to control mines within its territory, in my judgment, is taking a step which will not be conducive to the best interests of either the tribe or the individual members thereof.

Ultimately, I suppose, a large portion of this territory will become a part of the public domain, and will become the home of the settler, pur-

suant to the land laws of the United States, and that, too, many years before the expiration of these leases. And while by the terms thereof the surface soil is not to be disturbed, yet it gives this company such control over the country in which these mines are located as in my judgment will very seriously interfere with and retard private and individual enterprise. The experience of the past teaches us that no individual can compete with the railroad company, which owns and operates its own road and mines, so that the confirmation of these leases has the effect of destroying all competition in these coal fields. I do not believe it will be for the best interest of the Indian to place him at the mercy of this company by the ratification and confirmation of these sixty leases mentioned in this letter. It may be well to encourage the construction of this road, and indeed, by act of February 18, 1888 (25 Stats., 35), it is granted a right of way through these fields upon very favorable terms, and it ought now to be contented to allow these mines to be operated by individual enterprise, and be willing to transport the output thereof as a common carrier, rather than absorbing the entire enterprise itself. Or if it is absolutely necessary that it should operate the mines in this country as a feeder to its road, then, in my judgment, the terms of these leases should be recast more favorably to the Indian and should be limited in the number of mines which it shall control, and they should be subject to the supervisory control of the Secretary of the Interior, so that no wrong or injustice may be done either to the individual or tribal interests of the Indian.

In reviewing this matter, I have relied and counted upon the constitution, laws, and treaties affecting this subject, as set out in the Commissioner's letter, and, as heretofore suggested, I can find no express authority by legislative enactment justifying or authorizing the making of these leases, neither can I find any law of the United States which makes either the constitution or laws of this tribe a part of the laws of the United States, or which recognizes their force as between citizens of the United States and the tribe, or citizens of the United States and individual members thereof, other than such as may be implied from the act granting the right of way to this company where it speaks of a branch being constructed to its leased lands. But I do not deem such a mention of a terminus of a branch as a recognition of the validity of these leases; if so, why the necessity of this confirmatory act? While it is true that the constitution of this Choctaw nation authorizes a member of the tribe who discovers mineral land to operate a mine thereon in any direction within 1 mile from his works or improvements, yet I can find no law which extends that privilege to citizens of the United States by leasing from the Indian who discovers the mine. And I take it that it matters not, so far as the execution of these leases is concerned, as to the power of the Choctaw government to demand a royalty or execute leases for a period of one or six years, as provided in the act set out in the letter of the Commissioner accompanying these papers. Indeed, article 7 of the treaty made June 22, 1855, between the United States and the Choctaw and Chickasaw nations, quoted, would make this company an intruder, and it would become the duty of the United States to remove it therefrom, and, if necessary, to call upon the troops thereof to assist in so doing.

It being the opinion of the Attorney-General, likewise mentioned in the communication of the Commissioner, that the Choctaw tribe had no authority to make these leases prior to 1885, and that opinion being rendered prior to the passage of the act authorizing the construction of this road, I do not understand how the company can claim that the

Government is under any legal or moral obligation to approve leases of the character herein desired, and there has been no act of Congress since the rendering of that opinion which has enlarged upon the statutes then in force, unless it can be held by implication that the act of March 1, 1889 (25 Stats., 784), grants or recognizes such authority. In my judgment it does not, neither do I think it is susceptible of the construction placed upon it by the Commissioner. Now that portion of it necessary for consideration is quoted as follows:

> That all laws having the effect to prevent the Cherokee, Choctaw, Creek, Chickasaw and Seminole nations, or either of them, from lawfully entering into leases or contract for mining coal for a period of not exceeding ten years, are hereby repealed, etc.

Now, I suppose that this act had reference to some prior existing laws, and I observe that section 86 of chapter 11 of the acts of the Cherokee Nation, which was in force at the time of the passage of this act relative to mineral lands, reads as follows:

> No license shall be granted by the treasurer for a longer period than ten years at the option of the lessee, etc.

I am also informed that the Choctaw laws authorize leases for six years. Now, my opinion about the construction to be placed upon said act of March 1 is that it did away with all limitation upon the right of these nations to lease, leaving it to their option and their judgment as to the duration of leases. It stands to reason that such construction should be placed upon this act when considered in the light of the Indian statutes in force at the time. This statute had some purpose and object, and it was to do away with what was supposed to be the existing limitation upon the power of these several nations to make leases for a longer period than that which had theretofore existed, and it was to correct this abuse and overcome this objection and supposed evil that said act of March 1 was passed, so that I take it that the construction placed upon the statute by the Commissioner in that particular is erroneous; that this nation has just as much power and just as much authority to execute a lease for an unlimited time as the individual member of the tribe who has made discovery of the mines and is seeking to operate the same under the terms of the constitution heretofore mentioned. But as I believe neither of them has any authority outside the members of the tribe to execute these leases, it makes no particular difference what construction is placed upon the act of March 1, 1889, for the purpose of determining the question under consideration.

For the reasons here set out, and on account of the unusual length of time for which these lands are leased, and on account of what I believe will be a change in the prosperity of this country within the time provided for in these leases, and the reason that these Indians are protesting against the confirmation thereof, I do not believe that the Department should recommend the passage of this joint resolution. It is practically allowing this railroad company to usurp the authority which has heretofore been exercised by the national council over the mines within its borders, and I apprehend that very serious and direful results and manifold complications are likely to grow out of and arise therefrom, for it must be quite evident that the nation as such will not quietly submit, but will struggle to maintain and keep the revenues which have heretofore flowed into its national treasury from the operation of these mines, from being diverted to other channels, so that I view it as a matter of policy and amity between the tribe and the Government its interest as a nation should be carefully guarded and protected, and it should have a voice in saying what disposition shall be

made of its mineral lands. When the Government comes to treat with it for its surplus domain, it deals directly with the tribe, and the tribe should, in my judgment, be heard and protected in these leases. As they are draughted they are one-sided, all in favor of the interests of the company; the term of the leases is at its option, the right to sublet is at its option, and the only option the Indian has is to take his three-fourths of a cent a bushel for the coal mined. I do not and can not believe that these leases should be confirmed.

Very respectfully,

GEO. CHANDLER,
First Assistant Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 14, 1890.

SIR: I have received, by Department reference of the 2d instant for report, a communication from Hon. H. L. Dawes, chairman of the Senate Committee on Indian Affairs, transmitting Senate resolution No. 119, relating to coal leases in the Indian Territory, and also, by reference of the same date, a communication from the chairman of the House Committee on Indian Affairs inclosing House joint resolution No. 206, which is identical in its provisions with the Senate resolution above referred to.

This resolution is transmitted as a substitute for Senate resolution No. 114 and House joint resolution No. 193. It is requested that the said committees be furnished with copies of such leases as are to be ratified by this resolution and the opinion of the Department as to the propriety of the legislation therein proposed is asked.

The said resolution provides for the ratification and confirmation of certain leases of coal rights, which citizens of the Choctaw Nation have made to the Choctaw Coal and Railroad Company, or to citizens of the United States, and by them transferred to the said company; that certified copies of said leases are to be deposited with the Commissioner of Indian Affairs, who shall receive and receipt for the same; that the terms expressed in such leases shall not be changed, either as to the time, conditions, or royalties to be paid; that the rights and privileges of the Choctaw citizens, as guarantied in said leases, shall be at all times observed by said company; that all royalties due thereunder to the Choctaw Nation or its citizens shall be promptly paid in accordance with the stipulations contained in said leases, unless the same shall be modified or changed by the mutual consent of the lessees to (and with) the said Nation or its citizens; that nothing in said resolution shall be construed to convey to the lessees of said coal rights any right, title, interest, or use of the surface of the lands covered by the said leases, except the right of ingress, egress, and to so much of said surface as may be essential for the right of way over said lands, and for the erection of buildings and machinery necessary for the prosecution of the work of mining or developing the coal under said lands; that nothing therein shall be construed to deprive any individual Indian of any rights under the constitution and laws of his own nation which he may have had before the passage of the resolution; that the said lessees shall render a sworn statement to the Commissioner of Indian Affairs, or the United States Indian agent for the five civilized nations, during the first week of each month, showing the amount

of coal taken from the mines on said coal rights for the month preceding, and the royalties paid to the said nation and to individual citizens thereof; and that in the event of the extinguishment of the Indian title to the coal rights covered by these leases, the lessees agree to pay over as the United States may direct, the royalties arising from the mining of coal on the said coal rights, which are now payable to the Choctaw Nation, in the same manner and for the same amounts as at present.

The manager of the Choctaw Coal and Railway Company has filed in this office agreements covering sixty-two coal claims which, he states, include all the leases proposed to be validated by this agreement. Excepting the names of the parties, and the descriptions of the claims covered (all of which extend a mile in each of four directions), these leases are all substantially the same in their provisions. Attached to each of said indentures, except ten, is the certificate of the clerk of the United States court for Indian Territory, to the effect that the lessor in person, or by attorney, appeared before him and acknowledged the execution of the said lease.

There are also attached to each and every one of said indentures certificates of the county clerk and county and probate judge, of the county in said nation wherein the lands covered by such leases lie, that they were duly recorded upon the records of said county.

It is verbally stated by the representatives of the company that the said ten indentures will be acknowledged before the clerk of the said court as soon as the attendance of the parties can be secured.

I have the honor to inclose herewith a copy of one of these leases for the information of the Department. It will be observed that the lessor grants and leases to the said company his undivided interest in the coal claim therein described; that said lessee is given the exclusive right and privilege to take coal from said claim for its own use and for market upon the conditions therein named; that said lessee is also granted the exclusive right to have upon said claim all buildings, inclosures, machinery, tools, and apparatus used and required in carrying into effect the objects of the lease; that the said lessee is granted the right to permit its employés and other persons to go upon the said claim and the premises thereto attached during the pendency of the lease; that the said lease shall be in force for the term of ninety-nine years from its date, or so long as the said lessee shall observe the laws of the Choctaw Nation and perform the agreements of said lease; that no further consideration is to be paid and demanded for the rental of said coal claim and the premises thereto attached than three-fourths of 1 cent per bushel; that the said lease shall remain in force and effect for a period of ninety-nine years unless the said company shall give notice in writing to the lessor or his legal representatives, not less than thirty days of its intention to cancel the same, such notice to forfeit the right of renewal; that said company and assigns shall have the right to assign said lease or sublet any part of the coal claim or privileges granted therein; that said company and assigns shall pay to the lessor or his legal representatives one-fourth of 1 cent for each bushel of coal taken from any mine covered by such lease, and shall pay to the Choctaw Nation one-half of 1 cent for each bushel so mined, making a total royalty of three-fourths of 1 cent for each bushel of coal taken from said mine; that said company or assigns shall commence operating the said mine on said claim within twelve months after it shall have completed a branch line from its main line of railroad to said mine or coal claim; that the lessees and assigns shall have the peaceable possession and

enjoyment of the said coal claim without hindrance or interruption by the lessor, or any other person, and that the lessor and his heirs, etc., shall warrant the lessee and assigns in such quiet enjoyment.

With regard to mining claims within the Choctaw Nation, section 18 of Article VII of the Constitution of said nation provides that—

> Any citizen of this nation who may find any mine or mines, or mineral waters, shall have exclusive right and privilege to work the same so long as he may choose, within 1 mile in any direction from his work or improvements; provided, however, he does not interfere with the rights of the former settler.

The land of the Choctaws was conveyed to said nation by patent in fee simple, "to them and their descendants to inure to them while they shall exist as a nation and live on it, liable to no transfer or alienation, except to the United States, or with their consent," and by the foregoing section of its constitution the nation clearly intended to recognize fully the rights of any citizen who is the original discoverer of any mining claim; but the laws with regard to leases passed by the Choctaw Council appear to relate only to the royalties to be paid into the treasury of said nation, without affecting the rights of the individual discoverer, claimant, or lessor.

The act of the Choctaw Council of November 5, 1880, provides that—

> There shall be appointed by the principal chief, by and with the advice and consent of the Senate, one competent person, a citizen of said nation, to be known as national agent of the Choctaw Nation, whose duty it shall be to contract for the sale of stone, stone-coal, and timber of all kinds. Said national agent shall be commissioned, and before he enters upon the duties of his office shall take the oath of office prescribed in the constitution, and enter into bond with good and sufficient securities in the penal sum of ten thousand dollars, payable to the Choctaw Nation, conditioned that he will well and truly discharge his duties in accordance with law; which bond shall be filed in the national secretary's office. Said national agent shall hold his office for two years unless sooner removed by the principal chief for malfeasance in office.
>
> Said national agent in making contracts with parties for the sale of any of the articles herein mentioned, shall charge royalty as follows:
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> * * * * * * *
>
> On coal, one-half per cent per bushel.
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> * * * * * * *

Said section further provides that—

> * * * All contracts made hereunder shall expire on the 31st day of December of each year, except contracts for mining coal which shall cover a period of six years; and all royalty accruing under the same shall be due and payable monthly.

This is, so far as this office is advised, the only leasing law upon the statute books of said nation affecting coal claims, and while it regulates the royalty to be paid into the tribal treasury and limits the duration of leases which are made with the tribal authorities, it appears to leave the individual claimant to make his own negotiations, and to arrange the compensation to be paid him for his interest in the mine which is guarantied to him in the constitution, as above set forth.

The Choctaw Nation is secured the right of self-government and the jurisdiction over persons and property within its limits by the following treaty provisions:

Article VII of the treaty between the United States and the Choctaw and Chickasaw Nations, of June 22, 1855, provides that—

> So far as may be compatible with the Constitution of the United States, and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self-government and full jurisdiction over persons and property within their respective limits; excepting, however, all persons with their property who are not by birth, adoption, or otherwise citizens or members of either the Choctaw or Chickasaw tribe, and all

persons not being citizens or members of either tribe, found within their limits, shall be considered intruders, and be removed from and kept out of the same by the United States agent, assisted, if necessary, by the military, with the following exceptions, viz: Such individuals as are now or may be in the employment of the government and their families; those peacefully traveling or temporarily sojourning in the country or trading therein under license from the proper authority of the United States, and such as may be permitted by the Choctaws or Chickasaws with the assent of the United States agent to reside within their limits, without becoming citizens or members of either of said tribes. (11 Stats., 612.)

These treaty obligations are reaffirmed in Article X of the treaty between the United States and the Choctaw and Chickasaw Nations, concluded April 28, 1866, which provides as follows:

The United States reaffirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations, entered into prior to the late rebellion, and in force at that time, not inconsistent herewith; and further agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulations and acts of legislation, from and after the close of the fiscal year ending on the 30th of June, in the year 1866. (14 Stats., 774.)

Prior to the year 1885, the right of the Choctaws to execute lawful leases was recognized, and the bonds filed by the lessees were approved by the Department, but at the request of the Secretary of the Interior, the Attorney-General took under consideration the question of the right of Indians to execute leases of their reservation lands, and on July 21, 1885, he rendered an exhaustive opinion upon the subject which has since governed the action of the Department in dealing with the matter in the absence of any special legislation by Congress affecting the reservation under consideration.

In this opinion the Attorney-General quotes section 2116 of the Revised Statutes, which provides that—

No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto from any Indian nation, or tribe of Indians, shall be of any validity in law or equity unless the same be made by treaty or convention entered into pursuant to the Constitution.

and holds that—

This statutory provision is very general and comprehensive. Its operation does not depend upon the nature or extent of the title to the land which the tribe or nation may hold. Whether such title be a fee-simple, or a right of occupancy merely, is not material; in either case the statute applies. It is not, therefore, deemed necessary or important, in connection with the subject under consideration, to inquire into the particular right or title to the above-mentioned reservations held by the Indian tribes or nations respectively which claim them. Whatever the right or title may be, each of these tribes or nations is precluded, by the force and effect of the statute, from either alienating or leasing any part of its reservation, or imparting any interest or claim in and to the same, without the consent of the Government of the United States.

* * * * * * *

No general power appears to be conferred by statute upon either the President or Secretary, or any other officer of the Government to make, authorize, or approve leases of lands held by Indian tribes; and the absence of such power was doubtless one of the main considerations which led to the adoption of the act of February 19, 1875, chapter 90, "to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany Reservations, and to confirm existing leases." The act just cited is moreover significant as showing that, in the view of Congress, Indian tribes can not lease their reservations without the authority of some law of the United States.

All laws having the effect to prevent the Five Civilized Nations from lawfully entering into leases or contracts for mining coal for a period not exceeding ten years were, however, repealed by a proviso in section 6 of the act of Congress establishing a United States court in the Indian Territory, approved March 1, 1889 (25 Stats., 784), which reads as follows:

That all laws having the effect to prevent the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Nations, or either of them, from lawfully entering into leases or contracts for mining coal for a period not exceeding ten years, are hereby repealed; and said court shall have jurisdiction over all controversies arising out of said mining leases or contracts and of all questions of mining rights or invasions thereof where the amount involved exceeds the sum of one hundred dollars.

With regard to the construction placed by the company upon the foregoing proviso, and the object sought to be obtained by the legislation proposed in the resolution under consideration, Mr. E. D. Chadick, the manager of said company, in a communication, copies of which are herewith transmitted, dated the 1st instant, makes the following statement:

We are expending money at the rate of $140,000 to $160,000 per month in the Territory in railway construction, mine development, etc., and the time must come very soon when it will be necessary to bond the line for its continuance through the Territory east and west, and for the north and south line provided for in its charter. To do this these bonds must be sold abroad or through agents of foreign houses here, and the ambiguous wording of the provision of the statute creating a court in the Indian Territory, which provision allows, in our opinion, or in the opinion of our counsel, the Indians to lease their lands for an indefinite period (but which interpretation is disputed by others), renders it necessary that in justice to ourselves there should be declaratory legislation upon this subject, and the resolution now before you contemplates simply the validation of what has been done under this statute of doubtful meaning.

The question of the construction of the provision of the act of March 1, 1889, above referred to, is raised, and it has been orally argued before this office by the representative of the company that this act only repeals all laws having the effect to prevent the Choctaw tribal government in its national capacity from lawfully entering into leases for a period not exceeding ten years, under which leases a royalty might be collected for the treasury of said nation. It is contended that under the section of the Choctaw constitution above quoted, the discoverer of the mine is guarantied the exclusive right and privilege to work the same so long as he may choose and that it passes to his heirs at his death; that this carries with it the right to control the mine, or to have it worked under a lease or contract for a stated share of its proceeds.

In the opinion of this office this proviso is of doubtful meaning and application.

Under the tribal constitution the original discoverer of the mine is granted the exclusive right and privilege of working it so long as he may choose, but under the Attorney-General's opinion neither the discoverer nor the Choctaw nation can execute a lawful lease of it. The proviso in the act above referred to authorizes the nation to execute a lawful lease of it for a period not exceeding ten years, but is silent with regard to the rights and powers of the individual to execute a lease of his interest in the claim. If it shall be held that the force and effect of this statute is to authorize the execution of coal leases by the Choctaw Nation to the exclusion of the individual discoverer, it would seem to deprive such original discoverer of his rights guarantied by the tribal constitution.

I have the honor to transmit also herewith copies of an affidavit of E. D. Chadick, esq., manager of said company, setting forth—

That he is the manager of the Choctaw Coal and Railway Company, and as such is responsible for and conversant with the business of said company, and fully aware of the nature, scope, and purpose of all contracts and obligations entered into by said Choctaw Coal and Railway Company, and that the company now holds, by virtue of an act of Congress entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March 1, 1889, sixty-two leases of coal rights, made with citizens of the Choctaw Nation, either directly to

the Choctaw Coal and Railway Company or to citizens of the United States, and by them transferred to the said company; all the said leases being alike as to time, terms, and conditions, and only differing as to descriptions of the coal claims covered by the separate leases and the dates and names of lessors.

And deponent further says that each and all of the said leases were executed in good faith by the said Choctaw Coal and Railway Company, and will be carried out to the letter if said company is not hampered by an unfavorable construction of the leasing law contained in the act of Congress before mentioned allowing Indian citizens to lease their coal lands.

Deponent further says that the said Choctaw Coal and Railway Company has no right or title to or use of any leases in the Indian Territory, other than the sixty-two herein mentioned, and that said company seeks, by the resolution now pending before Congress, the validation of these sixty-two leases, and no others.

And deponent further says that of the sixty-two leases herein mentioned not exceeding one-fourth of the whole number is valuable for working purposes, the balance being taken for the purpose of covering the claims of certain citizens of the Choctaw Nation who had associated themselves together in different groups and had agreed to join all their claims and share in the profits of any claim of the whole number which might prove on examination to be valuable.

I also have the honor to transmit herewith copies of a communication dated the 1st instant, from Chief Mayes, of the Cherokee Nation, relative to leases in the Cherokee Nation. As the resolution under consideration has reference only to leases within the Choctaw Nation, the Cherokees do not appear to be affected thereby.

In addition to the foregoing I also inclose copies of a communication from Agent Bennett, of the Union Agency, Indian Territory, dated the 2d instant, with which is transmitted a report from Clerk and Acting Agent Morris, of said agency, relative to certain transactions of employés of the company with regard to a townsite in the Indian Territory. I merely inclose these papers for the consideration of the Department, with the suggestion that they do not appear to be pertinent to the consideration of the matter of the leases referred to in the resolution. The matters therein referred to will be made the subject of a separate report to the Department.

Under date of the 8th instant this office received the following telegram from Agent Bennett:

Choctaw poople are filing strong protests against leases of coal lands to Choctaw Coal and Railway Company. Will transmit promptly. Hold your report for their consideration.

In compliance with the foregoing suggestion of Agent Bennett the report of this office has been held, in order that any communication the Choctaw Nation might choose to make with regard to the matter might be considered in connection with the other documents on file in the case.

No such communication has been received, however, and, if it is received in the future, it will be promptly forwarded to the Department.

I also transmit copies of another communication, dated the 10th instant, filed in this office by Mr. Chadick. With regard to the subject matter of the resolution, and the leases proposed to be validated thereby he states as follows:

* * That the royalty now paid the Indians under the leases made by the Choctaw Coal and Railway Company are larger in amount per bushel than paid in any other part of the United States. In the Pocahontas mining district of West Virginia the royalty averages 12½ cents per ton; in the Clearfield district, Pennsylvania, about 12½ to 15 cents per ton, and in no other part of the United States so far as my knowledge goes is there anything paid higher than these figures, except in the Indian Territory, where the royalty will average 20 cents per ton on all classes of merchant coal.

Concerning the working of all the leases held by us would say that an examination of the names of the lessors in the different basins covered by these coal leases will show that all of them in each group have a common interest, and we also have in

contemplation the consolidation of all the holders of all the leases into one association to be known as the Choctaw Citizens Royalty Association. In fact some of the lessors have consented to joining the royalty association and all of them will, but it was a matter that required more time and attention than we have been able to bestow upon it heretofore.

It is the intention of the company, and it is carrying out this policy as fast as practicable, of opening two or more mines in each group, so that each lease-holder may be benefited by its work. In proof of this fact I may mention that our first mine is situated at Alderson, 6 miles east of South McAlester, the second is 16 miles east, the third 17 miles north of east, the fourth 21 miles north of east, and the fifth 31 ½ miles east of No. 4, and all of them represent different ownerships in part, although there are some of the lessors interested in all of these mines. The sixth mine we are opening is 71 miles east of South McAlester, 8 miles east of our junction with the St. Louis and San Francisco Railway, and 12 miles west from the Arkansas line. This covers all the groups but one, which comprises the leases taken by Gleason, Colemau, Denton, and others, which will be opened at a point near Red Oak during the coming fall. You can readily understand from the foregoing that no injustice is being done in any way to the holders of these coal claims, and it is, as before stated, our object to consolidate them all into one as soon as possible.

As regards the surrender or cancellation of any lease caused by our voluntary abandonment for two consecutive years, after having commenced work on the same, I think it only a fair provision, and we are perfectly willing to accede to it. Would represent that the protests, etc., now being forwarded have only one object, viz, delay. They are inspired by our competitors in the coal trade, who foresee that our sworn monthly statement as to the amount of coal mined, and royalty paid, will inevitably force them to do the same thing before very long.

* * * * * * *

I kindly ask you to let this matter go before Congress as promptly as possible owing to the fact that we are getting so dangerously near the close of the session.

Before proceeding to the consideration of the text of the said resolution, it may be proper to state that several railway companies have, within the last few years, been granted right of way through the Choctaw Nation and through the vicinity of the coal lands covered by most of the leases affected by this proposed legislation. One of these companies had constructed only about 10 miles of its line before the forfeiture limit in its right of way act expired. Another filed maps of definite location more than a year ago, but this office is not advised that any work of construction has been begun. The Choctaw Coal and Railway Company has proceeded with the work of constructing its line, and its road is reported to be first-class in all respects, promising to be a continuous highway through the Indian Territory and the Territory of Oklahoma, which will greatly enhance the value of the products of those Territories.

In view of the treaties, laws, and facts herein set forth and referred to, and in view of the present advanced civilized state of the majority of the citizens of the Choctaw Nation, I am of the opinion that they should be given due encouragement in all proper efforts to develop the resources of their country, and to realize as much therefrom as practicable. Due regard should also be had, in the consideration of the questions presented in this resolution, to the fact that this company has, under the authority of the act of Congress, granting it right of way for a line of railway through the said Territory, expended large sums of money in the construction of a permanent and substantial highway through the Territory, where other companies with equal franchises have either been unable or unwilling to build their roads, thereby greatly enhancing the value of these coal claims by affording the best facilities for transportation.

On the other hand, it becomes the duty of this office to guard carefully the interests of these Indians, civilized though they be, and to promptly point out the features of any proposed legislation which may be deemed prejudicial thereto.

With this view of the matter, I have the honor to present it to the Department with the following suggestions:

It is provided in these leases that they shall be in force for a period of ninety-nine years from the date of their execution. Under the Constitution of the Choctaw Nation, as hereinbefore set forth, these coal claims are recognized as the property of the finder, and, under the customs of said nation, may descend to his heirs. It thus seems that the nation has practically surrendered control over them, to the individual finder, except to collect a royalty on all coal taken therefrom. These leases provide for the payment to the nation of the royalty prescribed by its laws, and they appear to leave the control of the nation over these claims practically unchanged.

After a careful examination of the matter, I am not, however, prepared to recommend legislation validating all of these leases for a period of ninety-nine years, but, in view of the statement of Delegate Standley, of said nation, that the coal supply in most, if not all, of the claims covered by these leases would be exhausted in ten years of continuous operation, I suggest that lines 11, 12, and 13, of the resolution be modified as follows:

In line 12, strike out the word "time," and after the word "paid," in line 13, insert the words—

And provided further, That said company shall have no further right, title, or interest in or to, or jurisdiction over, any claim covered by any of said leases after the supply of coal in said claim shall have been exhausted: *And provided further*, That after work is begun upon any of the claims embraced in said leases a voluntary suspension of the continuous operation of said claim, for a period of two consecutive years, shall be deemed conclusive evidence that such coal supply has been exhausted: *And provided further*, That the terms expressed in said leases with regard to time shall not be changed except as hereinbefore provided.

It is further suggested that the word "to" in line 21 be stricken out, and the word "and" be inserted in its place; and also, in the same line that the words "or its citizens" be stricken out, and the words "and the lessors" be inserted in lieu thereof.

It was the intention of this office to recommend that the company be required to begin the operation of these claims within a limited time or forfeit its rights therein, but from the communication of Mr. Chadick, dated the 10th instant, above referred to, it appears that the individual lessors of these claims have organized themselves into groups, under an arrangement whereby they share alike in the proceeds of any claim in such group which may prove valuable. He further states that it is the intention of the company, if the resolution shall become a law, to open without unnecessary delay one or two mines in each group.

I inclose herewith copies of the statement prepared by Mr. Chadick, showing, as he states, the groups and locations of the claims of the different lessors.

If the resolution shall be amended as suggested it presents the question whether the interests of these Indians would be subserved by validating leases of these coal claims entered into by the comers under the Choctaw constitution, said leases to run until the coal supply in the claims covered by them shall be exhausted.

In view of the fact that the company is represented to have in process of construction a line of railway which proposes to be an interstate medium of transportation, and which therefore promises to be of great influence in facilitating transportation, and stimulating production in the Indian and Oklahoma Territories; and in view of the further fact that it can doubtless command sufficient means to operate these coal

claims so as to secure to the Indian the largest returns therefrom, I have the honor to state, that if the said resolution shall be amended as herein indicated, I see no objection, so far as this office is concerned, to its passage.

The communications from the Senate and House of Representatives, above referred to, and the resolution, are herewith returned.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

WASHINGTON, D. C., *August* 1, 1890.

SIR: Referring to the joint resolution of Congress, now before you for report, regarding certain leases made to the Choctaw Coal and Railway Company, I desire to submit the following statement of facts directly bearing upon this subject, and would first call your attention to the financial condition and standing of the Choctaw Coal and Railway Company and the amount which it has expended in the Indian Territory.

Of all the numerous charters granted by the Fiftieth Congress, only two roads which secured these privileges have been built or are building, and these two are, first, the Arkansas Valley Railway and the Choctaw Coal and Railway Company. Speaking for the latter, would say that we have expended up to this date over $2,000,000 in the construction of our road, the development of our mines, and preparations for further extension, south and west. We have 92 miles of road in operation—or rather 65 miles in operation and 32 built upon the west end, which is ready, but will be operated only when connection between the Missouri, Kansas and Texas Railway, and the Atchison, Topeka and Santa Fé Railway is made. We have constructed this road in the best manner yet known in the West. It is laid with 70-pound steel rail and stone ballast; with every opening, from 10 feet upward, masonry, with iron girders; under 10 feet, masonry, with triple stringers; all our depots, station-houses, and other buildings are first class in every respect, and adapted to the requirements of modern trade; we have built and are building two thousand coal cars, besides the regular complement of box and freight cars, and the finest passenger coaches and trains west of the Mississippi River, south of St. Louis. We are now mining about 500 tons of coal each day of twenty-four hours, which amount will be increased by the first of the year to 1,200 tons per diem; the royalties paid to the Indians aggregating about $30 per day at present, to the citizens and nation combined. We have paid for every dollar's worth of property taken, destroyed, or damaged along our line. We have fenced the road in the most substantial manner; putting down crossings, cattle-guards, and other appliances for safety, and have preserved unhurt the cattle ranges of the Indians, and I may add in this connection that the company, in consequence of the precautions taken, has not killed one head of stock since it began operating its trains, nor has it ever injured a passenger or a person at any of its highway crossings.

No bonds have been placed upon the road, the money being advanced by the owners, who are satisfied that the development of the coal properties along the line would yield them a satisfactory return. Our object in seeking to validate these leases by the joint resolution of the two houses, is this: We are expending money at the rate of $140,000 to $160,000 per month in the Territory, in railway construction, mine developments, etc., and the time must come very soon when it will be necessary to bond the line for its continuance through the Territory east and west, and for the north and south line provided for in its charter. To do this, these bonds must be sold abroad or through agents of foreign houses here, and the ambiguous wording of the provision in the statute creating a court in the Indian Territory, which provision allows, in our opinion or in the opinion of our counsel, the Indians to lease their lands for an indefinite period (but which interpretation is disputed by others), renders it necessary that in justice to ourselves there should be declaratory legislation upon this subject, and the resolution now before you contemplates simply the validation of what has been done under this statute of doubtful meaning.

I am fully aware, that in the heat of the political campaign now going on in the Choctaw Nation, a great many charges have been made against us, as against all railways in the Territory, but can only say that we court the fullest and freest investigation in all these matters, and it will be shown in the end that we have not only kept within the limits of our charter but have done more for the Indians and for the improvement of their country and the development of its resources than any other cor-

poration or combination which has yet entered the Territory. No other company has attempted to provide schools in its mining towns, which are free alike to Indian and white children; this we have done and are doing; wherever we establish a mine we provide for the education of the children without regard to race or color.

But it is not because we desire to sound our own praises that I call your attention to this matter, but because of the unjust and unwarranted attacks which have been made from certain interested quarters upon us, and to explain the position to you from the stand-point of an interested party, and yet one who is liberal enough to see that the best interests of the company will be served by kind and fair treatment of these Indians, and by a strict adherence to the terms of our charter contract with the United States. It is not alone for the amount of money we have spent that we are entitled to recognition and protection, but for the further fact that we have maintained inviolate our obligations to these people, that we have not sought in any way to deprive them of anything justly theirs.

I would further call your attention to the fact that within a year from this date the development of our coal mines will have reached a point where the average daily output will range from 3,500 to 5,000 tons per day, and the royalties arising therefrom will be sufficient for the educational fund of the entire Choctaw Nation, if honestly appropriated to that purpose. It was with a view to this that I placed in the resolution a provision requiring sworn statements to be furnished by us to your office each month for the month preceding. You will then be enabled to see for yourself just how far we are an advantage to these people.

In the present anomalous condition of affairs in that country with the rights of the Indians and of the railways imperfectly understood, and in many cases without established precedents to guide us, it is of the utmost importance that every lawful step be taken to encourage legitimate enterprises in the hands of men of established good reputation, and such enterprises should be afforded every possible guaranty on the part of the United States that they will not be subjected to the chances of loss or injury which may ensue from a change of conditions that must take place in the near future. It is for this purpose that we ask your careful attention to our case, and believe that you will find us in every respect attempting at least to fulfill our contracts to the letter and in the spirit in which they are made. And we have, therefore, asked the United States Government to declare these leases valid, seeing that the sole doubt or cloud cast upon their validity is the ambiguous wording before mentioned of the provision of the statute establishing a United States court in the Indian Territory.

As regards the right of the Choctaw citizens to discover and hold this coal, that is settled by the constitution of their country, which was approved and made a part of their treaty with the United States. The right to lease is with the individual; it is his coal by discovery, and the constitution makes it his right and he is not prohibited from leasing it. The only provision in the law is, that the parties attempting to mine such coal shall first make a contract with the Choctaw Nation for six years' permit, and deposit with the national agent a bond for $10,000 to guaranty the collection of the royalties due the Choctaw Nation, and the observance of the Choctaw law as regards the sale of liquor, etc. All these we have complied with, and believing ourselves fairly entitled to the recognition asked for, we have therefore appealed to you for a favorable consideration of the same.

Trusting that this will meet with your approbation, I remain, very respectfully,

E. D. CHADICK,

Manager Choctaw Coal and Railway Company.

The COMMISSIONER OF INDIAN AFFAIRS.

DISTRICT OF COLUMBIA, *City and County of Washington, ss.*

This day personally appeared before me, a notary public of the city and county of Washington, District of Columbia, Edwin D. Chadick, who, being duly sworn, deposes and says:

That he is the manager of the Choctaw Coal and Railway Company, and as such is responsible for and conversant with the business of said company, and fully aware of the nature, scope, and purpose of all contracts and obligations entered into by said Choctaw Coal and Railway Company, and that the company now holds, by virtue of an act of Congress, entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March 1, 1889, sixty-two leases of coal rights, made with citizens of the Choctaw Nation, either directly to the Choctaw Coal and Railway Company or to citizens of the United States, and by them transferred to the said company; all the said leases being alike as to time, terms, and conditions, and only differing as to descriptions of the coal claims covered by the separate leases and the dates and names of lessors.

And deponent further says, that each and all of the said leases were executed in good faith by the said Choctaw Coal and Railway Company, and will be carried out to the letter, if said company is not hampered by an unfavorable construction of the leasing law contained in the act of Congress before mentioned, allowing Indian citizens to lease their coal lands.

Deponent further says that the said Choctaw Coal and Railway Company has no right or title to, or use of, any leases in the Indian Territory, other than the sixty-two herein mentioned, and that said Company seeks, by the resolution now pending before Congress, the validation of these sixty-two leases, and no others.

And deponent further says that of the sixty-two leases herein mentioned, not exceeding one fourth of the whole number is valuable for working purposes, the balance being taken for the purpose of covering the claims of certain citizens of the Choctaw Nation who had associated themselves together in different groups, and had agreed to join all their claims, and share in the profits of any claim of the whole number, which might prove, on examination, to be valuable.

EDWIN D. CHADICK,

Subscribed in my presence and sworn to before me, this 30th day of July, 1890.

THOS. HOPKINS,
Notary Public.

List of leases, Choctaw Coal and Railway Company.

Name.	Residence.	Date	No. of Claims
Moses Williams John M. Grady James F. Freeney G. M. Bond Fritz Sittel Robert J. Ward	Tobucksey and Gaines Counties, Choctaw Nation, Ind. T.	Aug. 4, 1889	4
Simon James Robert James James F. Freeney John M. Grady G. M. Bond Fritz Sittel R. J. Ward	Tobucksey and Gaines Counties, Choctaw Nation, Ind. T.	Aug. 1, 1889	2
John M. Grady James F. Freeney G. M. Bond Fritz Sittel Robert J. Ward	Tobucksey and Gaines Counties, Choctaw Nation, Ind. T.	Aug. 1, 1889	1
Ahotubbee John M. Grady James F. Freeney G. M. Bond Fritz Sittel Robert J. Ward	Tobucksey and Gaines Counties, Choctaw Nation, Ind. T.	Aug. 1, 1889	2
Jonas Durant John M. Grady James F. Freeney G. M. Bond Fritz Sittel Robert J. Ward	Tobucksey and Gaines Counties, Choctaw Nation, Ind. T.	Aug. 1, 1889	2
Mrs. John Adams John M. Grady James F. Freeney G. M. Bond Fritz Sittel Robert J. Ward	Tobucksey and Gaines Counties, Choctaw Nation, Ind. T.	Aug. 1, 1889	1
Ahotubbee Ishilatubbee John M. Gradey James F. Freeney G. M. Bond Fritz Sittel Robert J. Ward	Tobucksey and Gaines Counties, Choctaw Nation, Ind. T.	Aug. 1, 1889	1
James Arnature John M. Grady, as guardian of Henry Freeney, a minor.			
Josiah Gardner G. M. Bond James J. McAlester, by his attorney in fact, Josiah Gardner.	Choctaw Nation, Ind. T	Aug. 1, 1889	1
John M. Grady J. F. Freeney	Choctaw Nation, Ind. T	1889	1

List of leases, Choctaw Coal and Railway Company—Continued.

Name.	Residence.	Date.	No. of Claims.
James F. Freeney John M. Grady G. M. Bond Robert J. Ward Jonas Durant John Denton M. H. Gleason	Choctaw Nation, Ind. T	Aug. 1, 1889	1
John M. Grady J. F. Freeney	Choctaw Nation, Ind. T	1889	1
John M. Grady J. F. Freeney	Gaines County, Choctaw Nation, Ind. T	1889	1
John M. Grady J. F. Freeney	Choctaw Nation, Ind. T	1889	1
John M. Grady, guardian of Henry Freeney.	Indian Territory	1889	1
John M. Grady	Choctaw Nation, Ind T	1889	1
James Anacher John M. Grady	Choctaw Nation, Ind. T	1889	1
Jesse Carter John M. Grady	Choctaw Nation, Tobucksey County, Ind. T	1889	1
James F. Freeney John M. Grady G. M. Bond Robert J. Ward Jonas Durant John Denton M. H Gleason	Gaines County, Choctaw Nation, Ind. T	1889	1
Hubbard M. Quincy, guardian of Ellis Anolatubbee, infant heir of Martin Anolatubbee, deceased.	Tobucksey County, Choctaw Nation, Ind. T	Dec. 2, 1889	1
M. H. Gleason John M. Grady R. O. Edmunds John Benton	Tobucksey and Gaines Counties, Choctaw Nation, Ind. T.	Mar. 7, 1890	1
R. O. Edmunds M. H. Gleason R. B. Coleman	Gaines and Tobucksey Counties, Choctaw Nation, Ind T.	Mar. 7, 1890	1
M. H. Gleason R. O. Edmunds Morris Green Handy La Flore	Tobucksey, Gaines, and Sugar Loaf Counties, Choctaw Nation, Ind. T.	Mar. 7, 1890	1
M. H. Gleason R. O. Edmunds Morris Green Joshua McCurtin	Tobucksey, Gaines, and Sugar Loaf Counties, Choctaw Nation, Ind. T.	Mar. 7, 1890	1
M. H. Gleason R. O. Edmunds John Denton	Tobucksey and Gaines Counties, Choctaw Nation, Ind. T.	Mar. 7, 1890	1
M. H. Gleason Morris Green R. O. Edmunds John Denton	Tobucksey, Sugar Loaf, and Gaines Counties, Choctaw Nation, Ind. T.	Mar. 7, 1890	1
M. H. Gleason R. O. Edmunds John Denton	Tobucksey and Gaines Counties, Choctaw Nation, Ind. T.	Mar. 7, 1890	1
M. H. Gleason John M. Grady R. O Edmunds John Denton	Tobucksey and Gaines Counties, Choctaw Nation, Ind. T.	Mar. 7, 1890	1
M. H. Gleason John M. Grady James F Freeney R. O. Edmunds John Denton	Tobucksey and Gaines Counties, Choctaw Nation, Ind. T.	Mar. 7, 1890	1
Robert J. Ward Lemon Jack Hampton Perry Austin Nelson Tom Folsom John Slaughter	Wade, Sugar Loaf, and Scullyville Counties, Ind. T.	Apr. 8, 1890	7
Robert C. Miller Maria Miller Letisey Harkins S. C. Lewis Jackson Perris Robert Carter Josiah Gardner Kingsbury Harkins	Tobucksey County, Choctaw Nation, Ind. T	Feb. 4, 1890	1
Beckey Wesly L. Worcester Nicholas Worcester	Tobucksey County, Choctaw Nation, Ind. T	Feb. 17, 1890	1

EXECUTIVE DEPARTMENT, CHEROKEE NATION, INDIAN TERRTIORY,
Tahlequah, August 1, 1890.

DEAR SIR: Inclosed please find a copy of protest I have sent to Congress against the passage of a joint resolution for individuals of my own tribe to lease our coal mines to non-citizens. This is a scheme to deprive our people of the full benefit of our public property and in violation of our laws.

Please see that this imposition is not put upon us. I send a copy of laws in regard to minerals.

Very respectfully,

J. B. MAYES,
Principal Chief.

Hon. JOHN T. MORGAN,
Commissioner of Indian Affairs, Washington, D. C.

A PROTEST AGAINST SENATE JOINT RESOLUTION 114, AND AGAINST HOUSE JOINT RESOLUTION 193.

The purpose of these resolutions is to ratify and confirm the coal lease made by Choctaw citizens to the Choctaw Coal and Railway Company.

They likewise contain the following:

"That all citizens of the Cherokee, Chickasaw, Creek, and Seminole Nations shall have the right and privilege of leasing coal and mineral rights as herein granted to the citizens of the Choctaw Nation."

According to Cherokee law the lands and their natural products are the common property of the Cherokee Nation, to be used *ad libitum* by Cherokee citizens for personal or private purposes. No citizen is permitted to speculate in these products except within the nation and to its citizens, unless otherwise authorized by law. To operate a mine for coal or for any kind of mineral, gold and silver excepted, a license must be obtained from the treasurer upon a bond given to his satisfaction to secure a specified royalty to the Cherokee Nation. The law authorizes such citizens or company of citizens to associate with himself or themselves citizens of the United States upon such terms as may be agreeable to all parties and consistent with the law, but no subleasing or transfer of lease is permitted.

The language of the provision quoted, or of either of the resolutions, is not so clear and guarded as to require a strict conformity with Cherokee law on the subject in granting to Cherokee citizens the right and privilege of leasing coal and mineral rights to citizens of the United States, or to prevent Cherokee citizens from so leasing without the authority of Cherokee law.

The absence of a clearly specified compliance with Cherokee law, as a necessary condition precedent to such leasing, carries with it the implied protection of the United States Government and the enforcement of leases so made, despite Cherokee law on the subject.

If Cherokee authority, regulating the lease of coal and mineral rights in the Cherokee country, is not to be respected, these resolutions, to the extent of the right and privilege granted, annuls the guaranty of the United States to the Cherokee Nation in—

"The right by their national councils to make and carry into effect such laws as they shall deem necessary for the persons and property in their own country, belonging to their own people, or such persons as have connected themselves with them."

This loose and unqualified manner of authorizing the proposed leases will prove as good an opportunity as many Cherokee citizens will want to monopolize that which, under Cherokee law and the present tenure of lands, is the common property of all; and there being no limit to the leases or to the quantity of mineral lands to be leased, these conditions are entirely left to the discretion of the parties. Coal being in greater or less quantities all over the country, the leases could not only be co-extensive with its supposed presence and of other minerals, but could be extended to such time as to amount, in effect, to an absolute sale of such property throughout the entire country.

It is certainly questionable, if nothing more serious, that Congress in any sense of accommodation or alleged necessity can assume the right, unless for public purposes, to separate the natural products of a country from its lands, so that in granting a privilege there may be no interference with the ownership of the lands. If Congress has the right to authorize citizens of an Indian nation, whose lands are held in common, to lease for an indefinite time the coal or other minerals of such nation it certainly can, without any great stretch of authority, legalize a lease of any quantity of lands so held, and for any period of time, by the citizens of such Indian nation to citizens of the United States.

This privilege will in time prove, should either one of these resolutions be affirmed, a direct hindrance to the policy of the United States to change the tenure of Indian lands in common to that of severalty among the members. The argument that such leases will not interfere with the use and occupancy of the lands by Indian citizens is too miserable an excuse for such leases to be seriously entertained.

There are thousands of acres of land in the Cherokee Nation which, if they contain no mineral, are nearly worthless, yet in the event of allotment, must in part at least, become the pro rata share of Cherokee citizens.

Should the other Indian nations, to whom this peculiar privilege is to be extended, not object to the passage of either of these resolutions, we respectfully request that the Cherokee Nation remain undisturbed in the right to manage its own mineral interests.

JOHN L. ADAIR,
Cherokee Delegate.

WASHINGTON, D. C., *July* 25, 1890.

WASHINGTON, D. C., *August* 2, 1890.

SIR: Relative to the matter of the proposed legislation to legalize certain coal leases in the Indian country, and in the jurisdiction of Indian agency, I have the honor to transmit herewith a report of Acting Agent Fred. Morris, dated McAlester, Ind. T., July 28, 1890, said report being accompanied by a number of affidavits and exhibits. Mr. Morris very fully sets forth the operations of the Choctaw Coal and Railway Company. The plea of the Choctaw Coal and Railway Company that, having invested large sums of money in the Choctaw Nation, they ought to have this legislation which grants them a ninety-nine year monopoly, in order to protect their capital, would be commonly called the plea of the "baby act." In this connection I cite to you the fact that the Osage Coal and Mining Company, the Kansas and Texas Coal Company, and several other coal and mining companies, have been operating for many years in the Choctaw Nation under the laws of said nation, and have been amply protected in their investments. The Choctaw Coal and Railway Company will be similarly secure in its investments if its operations are confined within the scope of its chartered rights.

The proposed leases are virtual sales of the lands. If legalized they will defeat every step taken to upbuild the Indians. With their country plastered over with leases, these people would encounter an insurmountable barrier to the individualization of their lands, their progress to a higher development would be obstructed, their tribal relations would be perpetuated, the sense of personal independence would be destroyed, and would defeat what has seemed the purpose of all prior legislation, the final absorption of the Indians into American citizenship. The Indian people are unanimously opposed to these leases, and those which have been signed are either made with ignorant Indians and under a misapprehension, or as is the case of "Lease No. 109, series O," made with an infant still drawing the milk of life from its mother's breast.

I most respectfully ask a most careful scrutiny of the facts in this case, believing that, if you can understand the situation, you will appreciate the evils that would result, and will take such action as will assure to the Indian people undisturbed control of their own lands.

Very respectfully, your obedient servant,

LEO. E. BENNETT,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS.

MCALESTER, IND. T., *July* 28, 1890.

DEAR SIR: In response to your telegram of the 27th inst., I came here this morning and met Mr. Phillips, who was just boarding the train for a two days' absence. He referred me to J. J. McAlester and W. B. Ainsworth, who have rendered me all the assistance in their power. I went over to South McAlester and found it booming, new houses being built and streets being laid out, this latter being done under the supervision of one Shymer, who, it appears, is in the employ of Ed. Chadick. No doubt exists in the minds of any one of the many to whom I talked as to prime movers in this enterprise, or the persons who are to be benefited thereby. But to secure proof, or the sworn statement of persons who know, is a different matter, and almost, if not quite, impossible of accomplishment.

It is ostensibly being done in the name of Fritz Sittle, who is an intermarried citizen of the Choctaw Nation. I have been shown receipts for rent of town lots in the town of South McAlester, signed by Ed. Chadick, agent for Fritz Sittle, per Shymer, who is evidently Chadick's agent.

In the affidavit of W. B. Smith it is stated that he type-wrote from the dictation of Mr. Chadick an agreement between the said Ed. Chadick and Ed. Sittle, parties on the one part, and Fritz Sittle, party of the other part, in which it was provided that the said Ed. Chadick and Ed. Sittle were to lease town lots as the agent of the said Fritz Sittle only; that the said land over which they were thus constituted agents was surveyed into town lots and fenced, and that it contained about 1¼ miles square. The land, or tract of land, as now fenced and held subject to lease by these parties is more than double those dimensions. Mr. Smith, who wrote the agreement, states further that if any compensation was named for their services in thus acting as agent he does not remember what it was. That an agreement of this character did exist is further evidenced by the press copy of the contract submitted to Mr. McAlester for his signature, and in which Mr. Chadick is named as the agent of Fritz Sittle, and which Mr. McAlester refused to sign as being in violation of the Choctaw law. Mr. Chadick has made several futile attempts to recover this lease sent to Mr. McAlester, so I am informed. Town lots leased more recently are leased for a term of one year, payable monthly in advance; they are made without a written contract. The rent is collected by Shymer, who receipts, as above stated, Ed. Chadick, agent for Fritz Sittle, per Shymer.

It thus would appear that Ed. Chadick, who is the superintendent of a wealthy railroad company, is acting as the agent for a Choctaw citizen in leasing lots, with no apparent compensation, and employing watchmen and officers to keep Choctaw citizens from settling thereon; for Jack Ellis, who is the constable for the United States Court at So. McAlester, stated to Mr. Pate that he received $50 per month to run a bluff on people (Choctaws) who presumed upon their rights as citizens of the Choctaw Nation to settle upon Choctaw soil; and when Mr. Pate persisted in asserting his rights as a Choctaw and prosecuted the work on his building, he admitted that he had no further authority or power to stop him. That Mr. Chadick has an interest in these lots and in this town site is evidenced by the complaint filed with the deputy clerk of the court for the Indian Territory at So. McAlester, in which he became a party with Ed. and Fritz Sittle in a suit in forcible entry and detainer against George A. Pate and Arlington Fell, stating that they (the plaintiffs) were in possession of block No. 47, etc., and demand damages in the sum of $50 for such unlawful detention on the part of the defendants. This proceeding is entirely out of order on the part of "agents only." Mr. G. A. Pate, who is one of the defendants in this case, makes a sworn statement relative to his taking up of this land, which is herewith transmitted. In this he states that Mr. Shymer stated upon this occasion, in ordering Mr. Pate off the premises, that he was acting as Mr. Chadick's agent. While on the one hand it is alleged that Mr. Chadick is Fritz Sittle's agent, when it comes to the question of a suit in the Choctaw courts Mr. Sittle and his partners dodge the issue.

Under the Choctaw law a citizen of the Choctaw Nation is entitled to one-quarter of a mile from his improvement except where a town has been formed. The town of South McAlester has here been surveyed and town lots laid out, and the town named; a town formed for the purpose improving the advantages offered by the junction of the two railroads, and under the Choctaw law any unoccupied town lot may be taken up and built upon by any citizen of the Choctaw Nation, and these people are greatly incensed that (as one of them said to me) two Dutchmen, who did not hesitate to perjure themselves when it served their purpose, and the representative of a corporation should order them off of their own soil. That Mr. Chadick has an interest in the town site of South McAlester is further evidenced by the sworn statement of Mr. McAlester that Mr. Sittle told him that he had received from Mr. Chadick $2,000 for his property there; and this is corroborated by the affidavit of Josiah Gardner, who is a reliable Choctaw citizen, that he heard Mr. Chadick say to Mr. Sittle that "he (Chadick) had promised to pay to him (Sittle) $2,000 for the hay, the sand, and the whole business, and that he had paid him all he had promised."

It might be a partinent question why had Mr. Chadick refused $3,500 from Mr. McAlester to bring the road to the old town of McAlester and paid Mr. Sittle $200 for his interests at South McAlester, and built the road by its present course at an estimated additional cost of about $50,000, and it is a question that, in view of what has transpired, has been answered, because the present location afforded privileges for town siting that the old town of McAlester did not. It appears that the men employed in the construction of buildings upon this town site are employed by Mr. Chadick and, as stated to Mr. McAlester and reported by him under oath, are carried upon the pay-roll of the Choctaw Coal and Railway Company. It is said that one of these buildings now in process of erection will cost $60,000 when completed; this building is to be used as a hotel and stores when completed.

The Sittles until recently had less than $1,000; this is a notorious fact. Dr. Hailey stated to me that he once owned the place now claimed by Fritz Sittle and bought it for $35. Some of the evidence submitted is direct and shows conclusively that Ed. Chadick and Ed. Sittle, two United States citizens, are members of a syndicate engaged in leasing town lots; the balance is of a character that is corroborative, and calculated to warrant the conclusion that has been reached in the matter by every one who is acquainted with the town, to wit, that Ed. Chadick either is the agent or superintendent of the Choctaw Railway Company, or as the manager of a side corporation is engaged in town-siting and leasing land in an Indian country in violation of the Indian laws and the statutes of the United States.

The coal lease, a copy of which is herewith transmitted, is the form used by the Choctaw Coal and Railway Company, and as can be seen, is invalid in law, and moreover has the appearance of being misleading in its provisions. I learn that one hundred and sixty of these leases were made before the road was in operation and that they cover a distance of 50 miles or more; that a large portion of this land includes that which has been pre-empted and occupied by Choctaw citizens for many years. The Choctaw people have known of these leases and laughed at their absurdity, but since the matter has been taken to Congress for the purpose of having them legalized, have taken a more serious view of the matter, but still do not believe that any measure so unjust can become a law, and are now preparing a protest against it. I have the assurance of some intelligent and prominent men among them that a memorial will be forwarded as soon as it can be prepared that will show fully that the indorsement of these leases by Congress would aid and abet the most nefarious scheme of land-grabbing that was ever perpetrated in any country. I can not do the matter justice in the time that I feel has been allotted me for the purpose. I might remain another day and delay these papers so much longer, but I do not know that I could get anything more definite or to the point than the complaint of Messrs. Sittles and Chadick, and the copies of the lease sent for Mr. McAlester's signature, with the statements of Messrs. McAlester, Smith, and Gardner.

I could find no one who had any definite knowledge of George Chadick's connection in these matters, though it was said that he is reported to have made leases with individual citizens.

At Hartshorn it was the same as at South McAlester, Mr. Edwin Ludlow operating there as Chadick does here, he himself having a house in town (not on the right of way) and leases lots for building purposes.

Now the business is conducted differently. Mr. Bond, a citizen of the nation having been interested in the business, a quit claim is made out by him and sold to any person who is in the country by authority of law; and I learned that other little towns are being built up in the same manner all along the line of road; and that whoever it may be who holds the claim to that land under the Choctaw laws, the officials of the Choctaw road are the persons with whom the leases are made. There are men of judgment and discretion who have been offered lots free of cost at South McAlester, but who deemed their tenures so risky under the terms proposed by Chadick that they have refused to accept the offers made them. You direct me to show by affidavit the relationship between Ed. and George Chadick; both of them are out of town. Mr. Smith states that they are half brothers, and his affidavit shows what their business relations are, also. I might add that in the case of Pate and Fell, they gave a bond of $4,000 and still retain possession of the lot in controversy, and have nearly completed a two-story house thereon. Mr. McAlester is still in possession and completing his building, waiting to defend his right to build in the courts when called upon. The affidavits should be read in the order as numbered.

Very respectfully,

FRED MORRIS,
Acting Indian Agent.

LEO E. BENNETT,
United States Indian Agent, Washington, D. C.

Before me, a United States commissioner in and for the western district of Arkansas, appeared Walter C. Smith, of lawful age, who being by me first duly sworn according to law this 28th day of July, 1890, deposes and says, that he is a citizen of the United States, and has resided in South McAlester in the Indian Territory for a period of seventeen months.

Q. In what business have you been engaged?—A. Have been engaged as Mr. Ed. Chadick's private stenographer, superintendent of telegraph of Choctaw Coal and Railway Company, and proprietor of the Delicatessen at South McAlester, in which business I am at present, also, and in connection with which I am assistant postmaster.

Q. How long were you connected with Mr. Chadick?—A. About one year in the Territory and about six months doing business as a public stenographer in Hotel La Fayette, Philadelphia.

Q. What was the nature of your business while thus employed?—A. A general answer to this question would be a breach of confidence. Any special question you may ask, if I can conscientiously, I will answer.

Q. Are you able to state from the knowledge gained while in Mr. Chadick's employ anything as to the character of the lease by which lots are held and sublet in the town of South McAlester, by Mr. Ed. Chadick of the Choctaw Coal and Railway Company?—A. The agreement which I type-wrote at Mr. Ed. Chadick's dictation invested in him (Chadick) and Ed. Sittle, Fritz Sittle's father, the right to lease lands as agents only, these lands are marked by survey and line of fence, the land being held by Fritz Sittle by virtue of his right of citizenship in the Choctaw Nation.

Q. What compensation did Messrs. Chadick and Ed. Sittle receive for so acting as agents?—A. I don't know; if a compensation was mentioned in the contract I don't remember it.

Q. How much land is comprised in the contract made with Fritz Sittle above mentioned?—A. About 1¼ miles square or more.

Q. Has this tract of land been surveyed into town lots?—A. Yes.

Q. By whom was it surveyed?—A. By the engineers connected with the Choctaw Coal and Railway Company.

Q. At whose expense was it surveyed?—A. I don't know.

Q. Are these town lots so surveyed sublet to non-citizens and others by Ed. Chadick and Ed. Sittle?—A. Yes. I have one.

Q. Upon what terms?—A. It depends on location.

Q. For how long a term do you lease?—A. For one year.

Q. To whom do you pay your rents?—A. To the agent of Ed. Chadick, receipt therefor being signed Fritz Sittle, per pro.

Q. What benefit is derived by Chadick and Ed. Sittle from this arrangement?—A. Leave that for surmise; I don't know.

Q. Is the tract of land mentioned and surveyed and included in the contract between Messrs. Ed. Chadick and Ed. Sittle on the one part and Fritz Sittle on the other a coal claim?—A. A drilling for coal by the Choctaw Coal and Railway Company drilling outfit, on the claim formerly owned by Henry Franth, an Indian citizen, which claim is within 300 yards of Fritz Sittle's claim, failed to find coal at a depth of about 700 feet.

Q. Do you know of any cases where town lots have been leased at South McAlester for a term of 99 years or for more than one year?—A. Do not know of a single instance.

Q. Is the style of coal lease exhibited to you by me and marked Exhibit A the same as used by the Choctaw Coal and Railway Company in effecting a lease from private citizens of the Choctaw Nation?—A. It is the same.

Q. Have these leases been used for the securing of other lands aside from coal claims?—A. No. They are strictly for coal, as exhibit shows.

Q. Do you know if George Chadick has made leases of coal lands in his own name with private citizens?—A. Have heard so, but know nothing of it.

Q. What relation is George Chadick to Ed. Chadick?—A. Half brother.

Q. Is George Chadick connected with or employed by the Choctaw Coal and Railway Company?—A. I do not know.

Q. Does the Choctaw Coal and Railway Company own buildings erected at South McAlester on land other than that granted for right of way and other purposes?—A. They collect the rents, as agents, as I understand.

WALTER C. SMITH.

Sworn to and subscribed before me, this 28th day of July, 1890.

FRED MORRIS,
United States Commissioner.

Before me, a United States Commissioner in and for the western district of Arkansas, this 28th day of July, 1890, appeared J. J. McAlester, who being by me duly sworn according to law, states upon his oath that—

He is a citizen of the Choctaw Nation, and a resident of the town of McAlester; that in January, 1890, and in conversation with Ed. Sittle, in which a discussion was had relative to the depreciation in values at the old town of McAlester as the business would go to the new town of South McAlester, the said Ed. Sittle had stated to him that he should stay with the old town; that he had sold his place, the present town-site of South McAlester, to the Choctaw Coal and Railway Company for $2,000.

Affiant further states that Ed. Chadick, early in or during the construction of the said Choctaw Coal and Railway Company's road, invited him to come to the new town of South McAlester and build a store, and said that affiant was at liberty to locate the store upon any lot or place that suited affiant. Affiant did accordingly after-

ward go there and select a lot and commenced the erection of a store-house thereupon, and was a little later requested by the said Ed. Chadick to sign a lease for said lot, a copy of which is hereto attached, marked Exhibit B, which affiant declined to sign, because it was illegal and not in accordance with the laws of the Choctaw Nation.

Affiant further states that he was told by the foreman in charge of a building now in course of construction upon Indian lands, that the said Choctaw Coal and Railway Company were the owners of said property; that the men employed in its construction were paid by the said Choctaw Coal and Railway Company, and that they were carried on the pay-roll of said company.

JAS. J. MCALESTER.

Sworn to and subscribed before me this 28th day of July, 1890.

FRED. MORRIS,
United States Commissioner.

Before me this 28th day of July, 1890, appeared Josiah Gardner, who being by me duly sworn states on oath that he is a citizen of the Choctaw Nation, and resides at McAlester, in the Choctaw Nation; that some time in the month of March he was at South McAlester, and that he heard a conversation between Ed. Chadick and Ed. Sittle, and during the conversation it transpired that Chadick said to Sittle that he had been offered $3,500 by Mr. McAlester to have the road go through the old town of McAlester, and had offered Sittle $2,000 to allow the road to go there, and in the conversation Chadick said, "I promised to give you $2,000 for the grass and the sand and the whole business, and I have paid you all I promised."

JOSIAH (his x mark) GARDNER.

Witness:
W. B. AINSWORTH.

Sworn to and subscribed before me this 28th day of July, 1890.

FRED. MORRIS,
United States Commissioner.

G. A. Pate, being by me duly sworn, states as follows: I am a citizen of the Choctaw Nation; reside in Atoka County; came to South McAlester on or about the 23d day of June, 1890; employed hands and proceeded to inclose a vacant town lot; was ordered to quit the premises by one Kirkpatrick, special watchman of the Choctaw Coal and Railway Company. When I had nearly completed my work, one Shyner put a wagon and team in my way to prevent my inclosing my lot. I asked him to move it. He said: "No, you have no right to fence this; it belongs to the railroad company." I then asked him in the presence of several others if he was acting as Frit Sittle's agent or the agent of Chadwick when he run the wagon in my way. He replied, "I was acting as Mr. Chadwick's agent."

G. A. PATE.

Sworn to and subscribed before me this 28th day of July, 1890.

FRED. MORRIS,
United States Commissioner.

THIS INDENTURE, made in duplicate, this the ——— day of ———, A. D. 1889, between ——— ———, citizens of ——— County, ——— nation, and in the Indian Territory, of the one part, and the Choctaw Coal and Railway Company, a corporation organized under the laws of the State of Minnesota, of the other part.

Witnesseth: That said ———, for and in consideration of the sum of one dollar to ——— in hand paid by the said Choctaw Coal and Railway Company, the receipt whereof is hereby acknowledged, and the rents and covenants hereinafter mentioned to be paid, kept, and performed by the said Choctaw Coal and Railway Company or assigns, ha— granted and leased, and by these presents do grant and lease unto the said Choctaw Coal and Railway Company and assigns, —— certain coal claim —— lying and being situated in ——— County, ——— nation, and described as follows: ——— the same being the coal claim recorded by the said ——— in the records of said ——— county in said ——— nation, in record ——— book No. ———, pages ——— (inclusive); and the exclusive right and privilege to mine for coal and take coal for its own use and benefit, and for market, from said claim under th conditions hereinafter

named. And it is understood and agreed to that the above description of the coal claim herein leased is not as accurate as an actual survey giving field notes by metes and bounds, and if such a survey shall be made, the parties hereto agree that it shall be accepted and taken to be a more definite description of the coal claim herein leased, and shall determine and fix the description of the coal claim this lease is intended to cover by the parties hereto. And the said ——— also agree that the Choctaw Coal and Railway Company and assigns shall have the exclusive right and grant to erect, construct, and use any and all buildings, inclosures, machinery, tools, and apparatus used and required in mining, or used and required by said company in connection with the object and purpose of this lease, and to have all labor, mechanics, artisans, and employés, and all other persons permitted by said company, or its legal representatives and assigns, at will, on said coal claim and the premises thereto attached, to be and remain during the pendency of this lease.

This lease shall be in force for the term of ninety-nine years from the date of this indenture, or so long as the said Choctaw Coal and Railway Company and assigns shall observe the laws of the ——— nation and perform the agreements of this lease; it being understood and agreed to that there is not to be paid or demanded any other or further consideration for the rental of said coal claim and the use of the premises thereto attached than three-fourths of 1 cent per bushel of 85 pounds of merchant coal royalty. It is the intention of the parties, and agreed to, that this lease shall remain in force and effect for a period or term not exceeding ninety-nine years, unless the said Choctaw Coal and Railway Company or assigns shall give notice in writing to the said ——— heirs, executors, administrators, and assigns not less than thirty days of its intention to cancel the same; and upon the giving of said notice the right to renew shall cease.

The said Choctaw Coal and Railway Company and assigns shall have the right to assign this lease or sublet any part of the coal claim or privileges hereby granted and leased to it. And the said Choctaw Coal and Railway Company or assigns shall pay to the said ——— heirs, executors, administrators, and assigns one-fourth of 1 cent for each bushel of 85 pounds merchant coal royalty taken from any mine or mines on said claim herein leased, and shall pay to the lawful authorities of ——— nation one-half of 1 cent for each bushel of 85 pounds merchant coal so mined and taken; making a total royalty of three-fourths of 1 cent for each bushel of coal so taken from said mine.

And the said Choctaw Coal and Railway Company or assigns shall commence operating the said mine, on said claim, within twelve months after it shall have completed and operated a branch line from its main line of railroad in said Indian Territory to said mine or coal claim.

The said ——— covenant and agree, with the said Choctaw Coal and Railway Company and assigns that they, paying the royalty aforesaid and performing the covenants herein contained and to be by them performed, shall peaceably hold and enjoy said leased coal claim and privileges without hindrance or interruption by the said ——— or any other person or persons whomsoever; the said ——— for —— sel— and —— heirs, executors, administrators, and assigns, hereby agree to warrant and defend the possession of said leased coal claim and privileges and rights herein expressed unto the said Choctaw Coal and Railway Company and assigns against the right of any and all persons whomsoever entering thereon or enjoying the privileges leased herein during the existence of this lease.

In witness whereof we have this day affixed our hands and seals (using scrolls for seals) at ——— of ——— in the said ——— Nation.

Attest:

——— ———.

The foregoing lease was by me this day recorded in record book No. ——, on page ——— (inclusive) of the records of ——— County,——— Nation, Indian Territory.

——— ———,

County Clerk of ———, *County,*——— *Nation, Indian Territory.*

To whom it may concern:

This is to certify that upon the date of recording the foregoing lease of coal claim by ——— to the Choctaw Coal and Railway Company, ——— was the county clerk of ——— County, of ——— Nation, and ——— was his lawful deputy.

In witness whereof I have hereunto set my hand and the seal of ——— County, ——— Nation, Indian Territory.

——— ———.

County and Probate Judge of ——— *County,* ——— *Nation, Indian Territory.*

[In the United States court for the Indian Territory. Edward Sittel, Edwin D. Chadick, and Frits Sittel plaintiffs, *vs.* George A. Pate and Arlington Fello, defendants. Second judicial division, Indian Territory, United States of America. Complaint at law.]

Plaintiffs complain of the above-named defendants, George A. Pate and Arlington Fille, for that on the 23d day of June, 1890, they were in possession of block 47, between First and Second streets in the town of South McAlester, in the second judicial division in the Indian Territory, and were then and now entitled to possession of the same, and that upon the 23d day of June, 1890, the said defendants did unlawfully and forcibly enter into and upon said land and took possession of same without consent of said plaintiffs, and have ever since and do now unlawfully hold the same with force and a strong hand, and that said plaintiffs did on the 24th day of June, 1890, cause to be served on said defendants a written demand or notice, notifying said defendants to quit or leave said premises or land, or deliver possession of same to said plaintiffs.

Plaintiffs therefore ask that a writ of possession be issued, and that plaintiff be put in possession of said land, and for damages in the sum of $50 for the unlawful detention of the same.

That the plaintiffs are all white men and citizens of the United States, and that the defendants are citizens of the Choctaw Nation, Indian Territory.

HARRISON, PASCO & HARRISON,
JAMES WILSON,
J. C. CLOCK,
Attorneys for Plaintiffs.

I, Edward Sittle, being first duly sworn, say that each and every allegation and averment in the foregoing complaint is true in substance and in fact.

EDWARD SITTLE.

Subscribed and sworn to before me the 24th day of June, 1890.

WM. NELSON,
Clerk.
By T. H. FOSTER,
Deputy.

I, the undersigned, hereby certify that the foregoing is a true and correct copy of a complaint filed in the office of the clerk of the United States court for the second judicial district of the Indian Territory at South McAlester.

FRED. MORRIS,
United States Commissioner.

MCALESTER, IND. T., *July* 28, 1890.

WASHINGTON, D. C., *August* 10, 1890.

SIR: Referring to the conversation had with you this a. m., I desire to state that the royalty now paid the Indians under the leases made by the Choctaw Coal and Railway Company are larger in amount per bushel than paid in any other part of the United States. In the Pocahontas mining district of West Virginia, the royalty averages 12½ cents per ton; in the Clearfield district, Pennsylvania, about 12½ to 15 cents per ton, and in no other part of the United States, so far as my knowledge goes, is there anything paid higher than these figures, except in the Indian Territory, where the royalty will average 20 cents per ton on all classes of merchant coal.

Concerning the working of all the leases held by us, would say that an examination of the names of the lessors in the different basins covered by these coal leases will show that all of them in each group have a common interest, and we also have in contemplation the consolidation of all the holders of all the leases into one association, to be known as the Choctaw Citizens Royalty Association. In fact, some of the lessors have consented to joining the royalty association, and all of them will, but it was a matter that required more time and attention than we have been able to bestow upon it heretofore.

It is the intention of the company, and it is carrying out this policy as fast as practicable, of opening two or more mines in each group, so that each leaseholder may be benefited by its work. In proof of this fact I may mention that our first mine is situated at Alderson, 6 miles east of South McAlester, the second is 16 miles east, the third 17 miles north of east, the fourth 21 miles north of east, and the fifth 31⅗ miles east of the No. 4, and all of them represent different ownerships in part, although there are some of the lessors interested in all of these mines. The sixth mine we are opening is 71 miles east of South McAlester, 8 miles east of our junction with the St. Louis and San Francisco Railway, and 12 miles west from the Arkansas line. This

covers all the groups but one, which comprises the leases taken by Gleason, Coleman, Denton, and others, which will be opened at a point near Red Oak during the coming fall. You can readily understand from the foregoing that no injustice is being done in any way to the holders of these coal claims, and it is, as before stated, our object to consolidate them all into one as soon as possible.

As regards the surrender or cancellation of any lease caused by our voluntary abandonment for two consecutive years after having commenced work on the same, I think it only a fair provision and we are perfectly willing to accede to it.

I kindly ask you to let this matter go before Congress as promptly as possible owing to the fact that we are getting so dangerously near the close of the session.

I remain, very respectfully,

E. D. CHADICK,
Manager Choctaw Coal and Railway Company.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs.

N. B.—Would represent that the protests, etc., now being forwarded, have only one object, viz, delay. They are inspired by our competitors in the coal trade, who foresee that our sworn monthly statement as to the amount of coal mined and royalty paid will inevitably force them to do the same thing before very long. Senator Dawes expects to leave for the East before long, and my only chance is to get this in promptly.

UNITED STATES INDIAN SERVICE,
Union Agency, Muscogee, Ind. T., May 29, 1890.

SIR: I have the honor to report, in compliance with instructions contained in Indian Office letter, dated May 6, 1890 (L. 13529—1890), that on May 12 I notified Mr. Secor and the manager of the Choctaw Coal and Railway Company that I would be in McAlester on May 15 for the purpose of investigating Mr. Secor's complaint against said railway company; and accordingly on May 15 I was at McAlester, at the place agreed upon.

Mr. E. D. Chadick, manager of the Choctaw Coal and Railway Company, filed with me a written communication, which is herewith inclosed; also copies of a coal lease executed to him by W. H. Secor on the 7th day of May, 1887; a copy of a right of way lease executed by Mr. Secor on the 20th day of March, 1890; also copy of general release executed on 20th of March, 1890. The originals of these papers were presented for my inspection.

Mr. Secor failed to appear, and though I have written him three times relative to the matter, I have heard nothing from him. Mr. Chadick claims the right to purchase and use 200 feet for a right of way, by virtue of a joint resolution of the Choctaw council, which he states is now on record in Washington.

Very respectfully, your obedient servant,

LEO E. BENNETT,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SOUTH MCALESTER, IND. T., *May* 15, 1890.

DEAR SIR: Referring to the question raised in your favor of this date as regards settlement with W. H. Seccor, residing 2 miles west of our crossing with the Missouri, Kansas, and Texas Railway would respectfully state that the letter of Mr. Seccor to the Department has absolutely misrepresented the facts in so far as it represents us as trespassers without legal right.

Regarding our right to take and use 200 feet would say that we received this additional 100 feet by a joint resolution of the Choctaw council, which is now on record in Washington; said resolution recognizing this road as the eastern and western treaty road of 1866, and giving us the 200 feet right of way.

Outside of this and beyond all enactments referring thereto, would respectfully represent that Mr. Seccor sold us a strip of land 200 feet in width through his farm, for which he received the sum of $300, and an additional sum of $200 for the privilege of working the coal contained on said farm, which said coal lease gave us the right to build switches, branches, place buildings, or to do any other thing necessary for the successful mining of coal on the said premises.

We carried out literally the provisions of this agreement as regards the coal, and the right of our taking the strip of land 200 feet through his farm is a matter of agreement with himself for which he has been paid three times its value.

I am sorry that Mr. Seccor should refer to himself as an Indian seeing that he is a white man who married an Indian woman in this country, and is as perfectly competent to contract as any citizen of the United States.

Would further say that he was perfectly contented with the settlement, until instigated to his present course by parties to whom we refused to grant privileges at our crossing.

I inclose copy of the right of way sold us by Mr. Seccor, also copy of general release executed by him at that time, and also a copy of the coal lease under which you will see that our right to this strip of land, or more if required, is fully sustained.

Very truly, yours,

E. D. CHADWICK,
Manager.

H. L. E. BENNETT,
United States Indian Agent, Muscogee, Ind. T.

THIS INDENTURE, made in duplicate, this the 7th day of May, A. D. 1887, between W H. Secor, a citizen of Coal or Tobucksey County, Choctaw Nation, and in the Indian Territory, of the one part, and Edwin D. Chadick, a citizen of the United States, residing in the city of Minneapolis, state of Minnesota, of the other part.

Witnesseth, That the said W. H. Secor, for and in consideration of the sum of $200 to me in hand paid by the said Edwin D. Chadick, the receipt whereof is hereby acknowledged, and of the rents and covenants hereinafter mentioned to be paid, kept and performed by the said Edwin D. Chadick, his heirs, executors, administrators, and assigns, has granted, demised and leased, and by these presents does grant, demise and lease, unto the said Edwin D. Chadick, his heirs, executors, administrators, and assigns, the coal claim lying and being situated in Coal or Tobucksey County, Choctaw Nation, in said Indian Territory, and which is described as follows: Beginning at a point on Sandy Creek in the western half of Coal or Tobucksey County, Choctaw Nation, Indian Territory, one-half mile southeast of the farm known as the W. H. Secor place, and from said beginning-point extending one mile due north, one mile due south, one mile due east, and one mile due west, embracing all the coal found under the lands lying within a circle drawn from or through the extreme points of said north, south, east and west lines, including all the coal under the spurs, dips and angles of said land.

Reference is herewith made to certain zinc plates fastened to stakes and located as follows on said claim: Plate No. 1, placed at or near the beginning or central point of said claim; plate No. 2 placed at or near the terminal point of said claim on a due north line from said beginning point; plate No. 3, placed at or near the terminal point of said claim on a due south line from said beginning point; plate No. 4, placed at or near the terminal point of said claim on a due east line from said beginning point; and plate No. 5, at or near the terminal point of said claim on a due west line from said beginning point. It being understood and agreed to that the said plates shall be accepted as defining the boundaries of said claim until such time as said boundaries shall be determined by actual survey of said claim.

Being the coal claim as recorded by the said W. H. Secor in the records of said Coal or Tobucksey County in said Choctaw Nation in the record book for 1879 on page 75; and the exclusive right and privilege to mine for coal and take coal for his own use and benefit and for market from said claim under the conditions hereafter named. And it is understood and agreed to that the above description of the claim herein leased is not as accurate as an actual survey giving field notes by metes and bounds, and if such a survey shall be made and the parties hereto agreeing to it, it shall be accepted and taken to be a more definite description of the claim herein leased, and shall determine and fix the description of the claim this lease is intended to cover by the parties hereto. And the said W. H. Secor also agrees that the said Edwin D. Chadick his heirs, executors, administrators, and assigns shall have the exclusive right and grant to erect, construct, and operate any and all machinery, tools, and apparatus used and required in mining, or used and required by him in connection with the object and purpose of this lease, as well as all labor, mechanics, artisans, and employés, and all other persons permitted by him or his legal representatives and assigns, at will on said claim to be and remain, during the pendency of this lease.

This lease shall be enforced for the term of six years from the date of this indenture, and at the expiration of said six years the said Edwin D. Chadick, his heirs, executors, administrators, and assigns shall have the privilege and right of renewing the same for another period of six years, and at the expiration of each next succeeding term of six years thereafter the said Edwin D. Chadick, his heirs, executors, administrators, and assigns shall have the privilege and right of renewing this lease for

another term of six years upon the same terms and conditions as is herein expressed so long as the said Edwin D. Chadick and his heirs, executors, administrators. and assigns shall observe the laws of the Choctaw Nation, and perform the agreements of this lease, it being understood and agreed to that there is not to be paid or demanded any other or further consideration for the rental of said claim than the 1 cent per bushel royalty.

It is the intention of the parties and agreed to that this lease shall remain in force and effect for a period or term not exceeding ninety-nine years, unless the said Edwin D. Chadick, his heirs, executors, administrators, and assigns shall give notice in writing to the said W. H. Secor, his heirs, executors, administrators, and assigns, not less than thirty days next preceding the expiration of any term of six years, of his or their intention not to renew the same, and upon the giving of said notice the right to renew shall cease. The said Edwin D. Chadick shall have the right to assign this lease or sublet any part of the same and privileges hereby granted, demised, or leased to him.

And the said Edwin D. Chadick, his heirs, executors, administrators, and assigns, shall pay to the said W. H. Secor, his heirs, executors, administrators, and assigns, one-half cent for each bushel of coal taken from any mine or mines on said claim herein leased and shall also pay to the lawful authorities of the Choctaw Nation, one-half cent for each bushel of coal mined and taken, making a total royalty of one cent on each bushel of coal taken from said mine.

And the said Edwin D. Chadick, or his legal representative or assigns shall commence operating the said mines on said claim within six months after a railroad shall have been completed and operated from any main line from railroad in said Indian Territory to said mines or coal claim.

And the said W. H. Secor doth covenant and agree with the said Edwin D. Chadick, his heirs, executors, administrators, and assigns, that he and they paying the royalty aforesaid, and performing the covenants herein contained, and to be by him and them performed shall peaceably hold and enjoy said lease claims and privileges without hindrance or interruption by the said W. H. Secor or any other person or persons whatsoever. The said W. H. Secor, for himself and each of his heirs, executors, administrators, and assigns, hereby warrants and defends the possession of said lease claim and the privileges and rights herein expressed unto the said Edwin D. Chadick, his heirs, executors, administrators, and assigns, against the right of any and all persons whatsoever, entering thereon or enjoying the privileges leased herein, during the existence of this lease.

In witness whereof, we have this day appended our hands and seals (using scrolls as seals), at the town of McAlester in the said Choctaw Nation. May 7, 1887.

WILLIAM H. SECOR. [SEAL.]
EDWIN D. CHADICK. [SEAL.]

Attest:
R. B. COLEMAN.
F. W. ALLISON.

CHOCTAW COAL AND RAILWAY COMPANY. RIGHT OF WAY AND RELEASE OF DAMAGES.

Know all men by these presents:

That I, Wm. H. Seccor, of the County of Tobucksey, in the Choctaw Nation, Indian Territory, for and in consideration of the benefits resulting to the undersigned and to his lands by the construction and operation of the railway hereinafter mentioned, and of the sum of three hundred ($300) dollars to me paid by the Choctaw Coal and Railway Company, the receipt of which is hereby acknowledged, have granted, bargained, and sold, and by these presents do grant, bargain, sell, and convey to the said Choctaw Coal and Railway Company, the right of way for its railroad, telegraph, and telephone lines over, through, and across the lands owned or claimed by the undersigned, lying and being situate in the county of Tobucksey, in the Choctaw Nation, in the Indian Territory, and described as follows, to wit: Near Sand Creek and between stations ——— west and on the 3rd and 4th miles west, on the line of the said Choctaw Coal and Railway Company. Said right of way to include a strip of land two hundred feet in width, the same to extend one hundred feet on each side of the center of the road-bed or track of said road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one-hundred feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill; the field notes, plats, surveys, and maps of said strip of land as made or to be made by said Choctaw Coal and Railway Company, are hereby referred to and adopted as a part of this deed for greater certainty of description of the land conveyed.

To have and to hold the same with the right to take and use the earth, stone, gravel, timber, and other material thereon necessary or useful in the construction, maintenance or operation of said road or lines, together with, all and singular, rights, privileges, and appurtenances thereto belonging, and all the rights and privileges granted by the act of Congress granting said railway the right of way through the Indian Territory, approved February 18th, 1888, unto the said Choctaw Coal and Railway Company, its successors and assigns forever, for the use of said railroad, telegraph, and telephone lines and for a perpetual way therefor.

And I do hereby bind myself, my heirs, executors, and administrators, to warrant and forever defend, all and singular, the said premises to the said Choctaw Coal and Railway Company, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same.

And in further consideration of the premises, I do hereby acknowledge the receipt in full of all compensation and satisfaction for property taken or to be taken and damage done or to be done by reason of the construction of said railway.

Witness my hand and seal, using scroll for seal, this 20th day of March, 1890.

WM. H. SECCOR. [SEAL.]

Attest:
S. R. BENSON.

GENERAL RELEASE.

To all whom these presents shall come or may concern, greeting:

Know ye that I, Wm. H. Seccor, of Tobucksey County, Choctaw Nation, Indian Territory, for and in consideration of the sum of three hundred ($300) dollars, in lawful money of the United States of America to me in hand paid by the Choctaw Coal & Railway Company, of ———, the receipt whereof is hereby acknowledged, have remised, released and forever discharged, and by these presents for myself, my heirs, executors and administrators, remise, release, and forever discharge the same Choctaw Coal & Railway Company, heirs, executors, administrators and assigns of and from all and all manner of action and actions, cause and causes of actions, suits, debts, dues, and sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims, and demands whatsoever in law or in equity which against the said Choctaw Coal & Railway Company I ever had, now have, or which myself, my heirs, executors, administrators, or assigns hereafter can, shall, or ever may have upon, or by reason of any matter, cause or thing whatsoever from beginning of the world to the day of the date of these presents. And especially for and from all damages caused by the construction of the said Choctaw Coal and Railway Company's line of railroad through my claims in said Choctaw Nation, Tobucksey County, near Sand Creek, between stations west and on the third and fourth miles west of said railroad.

In witness whereof, I have hereunto set my hand and seal the 20th day of March, in the year of our Lord eighteen hundred and ninety.

W. H. SECCOR. [SEAL.]

Sealed and delivered in presence of—
C. R. BENSON.

(Copy of contract is so indistinct as to make it impossible to decipher it. It is, therefore, not included among these papers.)

UNITED STATES INDIAN SERVICE,
Union Agency, Muscogee, I. T., July 11, 1890.

SIR: Herewith I have the honor to transmit complaint of Hon. B. F. Smallwood, governor of the Choctaw Nation, with an affidavit of G. A. Pate against Edward Chaddick and E. S. Ludlow, representatives of the Choctaw Coal and Railway Company, Edwin Sittle, a trader in the Choctaw Nation, Fritz Sittle, King and Holloway, for alleged intrusion. Section 8 of an act of Congress approved February 18, 1888, granting a right of way to the Choctaw Coal and Railway Company, clearly places the settlement of all controversies arising between any tribe or nation, or citizens of

any tribe or nation through which said road may pass, and the said Choctaw Coal and Railway Company, within the jurisdiction of the courts established by Congress. I have therefore deemed it unadvisable to take any action in the matter. So far as I am advised and can learn from an informal investigation an effort has been and now is being made to town-site both Hartshorn and South McAlester, and that Fritz Sittle, King and Holloway, in whose names these lots are held, are citizens of the Choctaw Nation and within the jurisdiction of the courts of said nation. If in view of these facts you deem it advisable for this office to interfere in the premises, I respectfully request instructions.

Very respectfully, your obedient servant,

FRED MORRIS,
Acting United States Indian Agent.

Authorized to act July 7, 1890.
Fritz Sittle, King and Holloway are Choctaw citizens.

BENNETT,
Agent.

The COMMISSIONER of INDIAN AFFAIRS,
Washington, D. C.

B. F. SMALLWOOD,
Principal Chief.

EXECUTIVE OFFICE, CHOCTAW NATION,
Lehigh, Ind. T., July 10, 1890.

SIR: I inclose herewith a complaint against Edward Chadick, Edwin Sittle, and one Ludlow, all citizens of the United States, who are illegally doing a business in the Choctaw Nation not approved of by this office. The nature of the business engaged in is fully set forth in the complaint. After a careful investigation of this complaint and other facts connected in the premises, this office unhesitatingly declares these non-citizens above mentioned to be intruders on Choctaw soil, and respectfully and earnestly demand that you cause their immediate removal from the limits of the Choctaw Nation.

Very respectfully,

B. F. SMALLWOOD,
Principal Chief Choctaw Nation,
Per DAN J. FOLSOM,
Private Secretary.

Hon. LEO E. BENNETT,
United States Indian Agent, Muscogee, I. T.

CHOCTAW NATION, *Atoka County*:

Before me, William Bassett, clerk of the county court of Atoka Co., Choctaw Nation, appeared G. A. Pate, who, being duly sworn, says on oath that one Edwin Sittle, a licensed trader of the Choctaw Nation, and Edward Chadwick, an agent for the Choctaw Coal and Railway, now doing business with headquarters at South McAlester Choctaw, Nation, and Ludlow, another agent of said corporation, located at Hartshorn, I. T., are intruders in said Choctaw Nation.

Affiant further states that said Sittle, Chadick, and Ludlow are building, owning, and leasing, under illegal contracts with Fritz Sittle, one King and Holloway, town lots in each of said towns of South McAlester, and Hartshorn; that they refuse to allow a Choctaw citizen the right to own a lot in these towns; that they have fenced in large lots of lands and, under the pretense of being Fritz Sittle's agents, they, the said Edwin Sittles and Edward Chadick, non-citizens, are interfering with the affairs of the Choctaw Nation by using every means in their power to prevent a Choctaw citizen from owning or building lots in South McAlester; that they are claiming title to Indian soil, and flee to the United States courts to hold off Choctaw citizens who attempt to build in said town. That they, as agents of said Fritz Sittle, have invoked the aid of the United States courts in an action of "unlawful entry and detainer, in a matter now pending in the United States courts, and required Choctaw citizens to give bond for the possession of lands subject to entry under Choctaw laws. That the said Sittle is running a general merchandise business in the town of McAlester, with lots and blocks owned in his own name, in the town of South McAlester, and that the said Chadick and Ludlow are building or leasing town lots for a term of ninety-nine years. That they have on record in Atoka, Tobucksey, Gaines, and Sugar Loaf Counties illegal leases for ninety-nine years, as evi-

denced by the records of said counties. Affiant further states that he believes it to be the duty of the principal chief to revoke the license of said Edwin Sittle as a license trader and enter complaint against said Chadick, Sittle, and Ludlow before the United States agent, and ask him to declare them intruders, that they may be so declared before the sitting of the United States court in September next.

G. A. PAATE.

Sworn to and subscribed before me this 7th day of June, 1890.

[SEAL.] W. BASSETT,
County Clerk.

WASHINGTON, D. C., *July 24*, 1890.

DEAR SIR: Referring to certain complaints made by the Hon. L. C. Perryman, governor of the Creek Nation, and Leo C. Bennett, United States Indian agent for the Five Civilized Nations, the same being now on file in your office, I beg leave to reply as follows:

First, that the Hon. L. C. Perryman's letters and complaints, as above referred to, are based upon the action of George C. Chadick, a relative of mine residing in the Creek Nation, who, in conjunction with Stuart (first name unknown) and Dr. J. T. Lowry of We-wo-ka, has made leases in the Creek Nation from the individual which the governor complains is contrary to Creek law. Would say in this connection that the Choctaw Coal and Railway Company is in no way connected with Messrs. George C. Chadick, J. T. Lowrey, or Stuart (first name unknown); these parties, whatever they have done, have acted for themselves and independently of this company, which has no control over them, and is in no sense of the word responsible for their conduct; at the same time being personally acquainted with all the parties except Stuart, I have no hesitation in saying that any violation of the law on their part has been unintentional, and that you can assure the governor that this company will do everything in its power to see any offense righted which may have been committed by them against the laws and customs of the Creek Nation, but can only act as an intermediary between themselves and the Creek governor, having no interest in or title to or use of any lease or leases they may have taken.

Referring to the letter of Hon. Leo C. Bennett, Indian agent, bearing date July 21, 1890, would answer the complaints and questions, which he therein asks, as follows:

First, by the accompanying copy, which is made a part of this letter, it will be seen that the Choctaw Coal and Railway Company holds a right of way for 200 feet in width through the Choctaw Nation, by virtue of the joint resolution of the Choctaw general council, approved the 20th day of December, 1889, by which resolution it will be seen that the Choctaw Coal and Railway Company was declared the east and west line of railway through the Choctaw Nation, provided for by the treaty of 1866 between the United States of America and the said Choctaw Nation. By reference to that treaty (see Choctaw laws, treaty of Dancing Rabbit Creek, and treaty of 1866) it will be noted that a right of way for 200 feet in width was to an east and west railroad, as also to the north and south railroad to be constructed through the Indian Territory. Under this resolution and the adoption of this company's line as the east and west railroad contemplated by the treaty, this company claims an undoubted right to 100 feet from the center of the track on each side of the company's line, with all the additional privileges granted it by the act of Congress, approved February 18, 1888, with amendments, approved February 13, 1889.

Referring generally to the charges contained in Agent Bennett's letter, that this company is endeavoring to absorb lands to which it has no right under its charter, and that it has not paid proper respect and attention to the rights of Indian citizens, I desire to state that we court the fullest investigation in every respect and if it can be shown that we have in any particular, overstepped our charter rights or have shown any disposition to encroach upon the rights and privileges of the Indian citizens, either as individuals or as tribes, we are perfectly willing to abide the consequence of such acts and to make restitutionby every means in our power; but acting as the representative of the company I desire to state, that the Choctaw Nation is at present agitated by a bitter political campaign which involves the selection of a governor and legislature, and that each party to this controversy has availed itself of every possible means to bring discredit upon the other--as also to insinuate that under the administration of the present governor (who seeks re-election), the railways, and other foreign corporations, are gradually encroaching upon the rights and privileges of the Choctaw citizens. To support these charges there is not a scintilla of evidence beyond the jealous imaginations engendered by a political heated contest. If your honorable bureau will take the pains to investigate thoroughly and to send a special agent upon the ground, we will be able to show that in every respect our engagements with the Choctaws and all other Indians, have been faithfully and honorably kept and that we are to-day doing more for the benefit of that nation, for the education of the

children of its people, and the development of the country generally on the lines suggested by the policy of the United States, than any other one influence or power within its borders.

If a special agent, detailed for this purpose, will investigate each mile of the road, and will ask the people with whom we have dealt and are dealing, and ascertain for himself their feeling towards us we have nothing to fear from his report. A few men have controlled this Territory so long and have worked with the large body of the people in such manner as they pleased that their jealousy and alarm is excited by the appearance upon the scene of a company whose management deals direct with the Choctaws and not with certain self-constituted leaders and white men who have intermarried among them.

Again referring to that portion of the complaint that we have fenced our line against the Choctaw citizens and are fencing large parts of land at our stations, will say that there is not one word of truth in any of the assertions. We are fencing the line of railway for protection of the lives of passengers and for the safety of our own property. It is a prairie country and largely used as a cattle range, and the experience of the Missouri, Kansas and Texas, and other roads, as to the value of the stock killed, to say nothing of the damage to their own property, led us to the conclusion that the only safe way for ourselves and the public was to fence the right of way, making proper highway crossings, cattle guards, etc. And, I may add, that in the Red Oak Valley we did this upon direct petition of the stock-raisers in that valley. By adopting this course we have saved every stock-raiser the range, it being as easy for him to raise cattle along the line as it was before the rails were laid, and in the seven months operation of our first division the best proof of the safety afforded by this policy is the fact that we have not killed a single head of stock, nor injured any passenger or person crossing our line of public highways. We think this record speaks for itself as to the advantage both to the nation and the company gained by fencing the line. As to the fence put around stations, would say that in no case has this company had anything to do with the fencing of these lands or been in any way responsible for them. Our work in that direction has begun and ended on our right of way. Certain Choctaw citizens who occupied these lands prior to our coming have seen fit to inclose their tracts of lands at or near our stations. The company has not aided nor abetted them in any way in such action; has no connection with them or responsibility for their acts. All these matters have been referred to the Choctaw court by suits brought between citizens of that nation, and in each case the result will show the truth of my assertion, that the Choctaw Coal and Railway Company has no control over or interest in the matter.

In conclusion allow me to say regarding all charges against us we only ask investigation, fair, full, and immediate. As before stated, we are perfectly willing to abide by the result.

Very respectfully,

E. D. CHADICK,
Manager of the Choctaw Coal and Railway Company.

The COMMISSIONER OF INDIAN AFFAIRS.

JOINT RESOLUTION OF THE CHOCTAW GENERAL COUNCIL.

Whereas it has been reported to this body from reliable sources and has been publicly announced in the newspapers upon the authority of the officers of the St. Louis and San Francisco Railway that the said company has prepared a bill to be presented to the next session of the Congress of the United States, asking that the right of way through the Indian Territory be granted by the said Congress to a corporation known as the California and St. Louis Railway, said corporation being owned and controlled by the said St. Louis and San Francisco Company system; and

Whereas the right of way to be asked for aggregates more than 2,000 miles, and covers every section of the Indian Territory available for railway purposes, also paralleling rights of way already granted by Congress, and lines of railways now building or in process of construction, and practically constitutes a monopoly of the railway business in the said Indian Territory, and grants the same to the California and St. Louis Railway, otherwise known as the St. Louis and San Francisco Railway, to the exclusion of all competitors, and to the consequent injury of the citizens of the said Indian Territory; and

Whereas by the terms of the treaty made by the United States with the Indian tribes in the year 1866 provided that one right of way should be granted for a railway north and south through the said Indian Territory, and one right of way east and west through the said Indian Territory; and

Whereas the north and south right of way has been taken by the Missouri, Kansas and Texas Railway, and a line of railway constructed thereon, and a line of railway east and west has been taken by the Choctaw Coal and Railway Company, which said company is constructing a line of railway thereon; and

Whereas in addition to these railways provided for in the treaty of 1866 the Congress of the United States has granted to other railways at different times right of way through the said Indian Territory; some of which have actually been built upon and others are now building; and

Whereas the policy demands the business of this Territory shall not be given to one corporation to the exclusion of all others, and the Territory obligations of the United States having been violated by the giving of other rights of way than those provided for in the treaty of 1866; Now, therefore,

Be it resolved by the general council of the Choctaw Nation in joint session assembled, That we hereby solemnly protest against the granting of the rights of way asked for by the said California and St. Louis Railway, otherwise known as the San Francisco Railway Company, as being subversive of all the rights of Indian citizens and as having a tendency to destroy that competition which has been inaugurated by the granting of the rights of way other than those provided for in the treaty.

And we desire to respectfully represent to the Congress of the United States that is the St. Louis and San Francisco Railway, otherwise known as the California and St. Louis Railway, be granted the rights asked for, it will practically end railway building outside of that company in the Territory, and leave the citizens of the Five Nations at the mercy of one corporation in all future railway developments.

And we further declare that in our opinion, based upon the record of the St. Louis and San Francisco Railway in this Territory in the past, that the said railway does not desire to build the railways for which the rights of way are to be asked in the proposed bill, and that the corporation is asking for the same for the purpose of intimidating other corporations seeking to do business in the Territory and to retard the developments of competitive systems.

And further respectfully represent to the Congress of the United States that the St. Louis and San Francisco Railway has held for over twenty years rights of way through this Territory, upon which it has never built and is not now engaged in building.

Be it further resolved, That a certified copy of this joint resolution be forwarded by the national secretary of the Choctaw Nation to the President of the United States, to honorable Secretary of the Interior, to the President of the Senate, and to the Speaker of the House of Representatives of the United States of America.

Be it further resolved, That this resolution shall take effect and be in force from and after its passage.

Approved November 5, 1889.

B. F. SMALLWOOD, P. C. C. N.

This is to certify that the foregoing is a true and correct copy of the resolution of the general council of the Choctaw Nation, passed and approved at the regular November term thereof, 1889.

Witness my hand and seal this 20th day of December, 1889.

J. B. JACKSON,
National Secretary, C. N.

ARTICLE XVIII.—MINERALS.

SEC. 80. All gold, silver, lead, copper, iron, stone, coal, petroleum, salt, or other mineral, or medicinal water, existing in its natural state, which has been or may be hereafter discovered within the limits of the Cherokee country, is the property of the Cherokee Nation, and subject to the control of the national council.

SEC. 81. Every "bona fide" citizen of this nation, who may wish to prospect for and engage in the mining of the minerals there, of gold and silver excepted, or in the manufacture of salt, or in the collection and refining of coal oil or petroleum, or in the preparation and sale of mineral or medicinal waters, shall make application in writing to the treasurer for that purpose, stating the mineral he wishes to operate in, the number and names of the company, the district and section thereof in which located, and the metes and bounds of the reservation on which he proposes operating; provided, also, that the same shall not be within, or infringe upon, the improvements or legal boundaries or limits of any other citizen or mining company, without the written consent of such other.

SEC. 82. No person or company shall locate, hold, or operate a second claim for any particular mineral without first surrendering the claim first located.

SEC. 83. Every person or company proposing to engage in mining shall, before beginning the work, obtain from the treasurer a license for such purpose, which license shall clearly describe the location of the reservation selected, with its metes and bounds, and the minerals to be mined; and shall at the same time execute to the Cherokee Nation, and file with the treasurer and to his satisfaction, a bond in the sum of two thousand dollars, with good and sufficient security, conditioned upon compliance with the requirements of this act.

SEC. 84. Every person or company operating in the minerals of this nation shall be required to report, on oath, to the treasurer, quarterly, on the first days of January, April, July, and October, of each year, the gross amount of minerals mined, or salt manufactured, or medicinal waters prepared for sale, during each quarter preceding such report, and at the same time pay into the treasury, for the benefit of the school or orphan funds, a sum of money equal to five per cent. of the value of such minerals at the place of production. And the mines, the stock on hand, the buildings, machinery, and fixtures thereto belonging, shall be held liable for the payment of the same. The refusal or failure of any person doing business under the provisions of this act to comply with the conditions of his bond shall be good and sufficient cause for the revocation of the lease by the treasurer.

SEC. 85. Every citizen of this nation who shall lease, sublease, sell, or give, or grant, in any manner, any interest in any mine, or medicinal or mineral water, in this nation, to any person other than a citizen of the same, shall be fined in any sum not exceeding two thousand dollars for each and every such offense, and forfeit his bond and lease; and the treasurer is hereby authorized to proceed against such person or company in the name of the Cherokee Nation, before any court of the nation of competent jurisdiction.

SEC. 86. No license shall be granted by the treasurer for a longer period than ten years, at the option of the lessee; but every lessee who may elect to renew his lease, and who shall have complied with the terms of his former lease, may do so by complying with the law governing the same; but no new lease shall be granted or old lease renewed until all arrears shall have been paid; provided, that the national council may at any time change, amend, or repeal any or all of the conditions of leases so as not to affect leases in force at the time of such change or repeal.

SEC. 87. Should any mining company find upon his reservation any mineral other than that named in the lease, and for which the lease was granted, such company shall at once report such discovery to the treasurer; and shall have the right to work the same by incorporating it into the original contract, and by paying five per cent. thereon for all such mineral obtained; provided, that such act of incorporation shall expire on the expiration of the original lease; provided further, that parties locating claims under this act shall begin work thereon within one year from the date of their license, otherwise such license shall be null and void.

I hereby certify that the foregoing is a true and correct copy of an act of the compiled laws of the Cherokee Nation.

[SEAL.]

W. H. MAYES,
Assistant Executive Secretary Cherokee Nation.

JULY 31, 1890.

AN ACT to amend section 85, of article 18, chapter 12, compiled laws, shall read as follows:

"That any 'bona fide' citizen of this nation, who shall have a license from the national treasurer to prospect for, and engage in, the mining of minerals, or stone thereof, gold and silver excepted, or in the manufacture of salt, or in the collection and refining of coal oil or petroleum, or in the preparation and sale of mineral or medicinal waters, or in the shipment of stone or rock of any kind in the nation, and in the sale of the same beyond the limits of the nation, if necessary to raise sufficient capital to successfully work the same, and thereby increase the revenue of the nation shall have the right to associate any person or persons, other than citizens of this nation, with him or them for that purpose; and the courts of the Cherokee Nation shall have full and complete jurisdiction over all transactions growing out of the same."

Be it further enacted, That section 86, article 18, chapter 12, shall read as follows: "That no license shall be granted by the treasurer for a longer period than ten years, at the option of the lessee, but every lessee, who may elect to renew his lease, and shall have complied with the terms of his former lease, may do so by complying with the laws governing the same; but no new lease shall be given or old lease renewed until arrears to the nation shall have been paid; provided that the national council may at any time change, amend, or repeal any or all of the conditions of leases, so as not to affect leases in force at the time of such change or repeal."

Be it further enacted, That any persons, citizens of the nation, operating or working mines of minerals, or making salt, or preparing medicinal or medical waters, or refining coal oil, or shipping stone or rock of any kind, under license as above provided, shall pay into the national treasurer, quarterly, upon the sworn statement of the persons holding and working under said license, a tax as follows:

For all stone coal, ten cents for every ton mined and sold.

For all lead ore mined, two dollars for each one thousand pounds.

For all coal oil gathered in barrels or tanks, for each barrel of forty gallons rectified, ten cents.

For all salt manufactured, one dollar for each ton.

For all rock or stone of any kind, three cents for each ton shipped outside the nation.

And all tax on licenses herein provided for shall be paid in the same manner; and persons from whom taxes are due shall be subject to the same conditions and penalties as is provided in the act of the national council, dated December 8, 1883, and entitled "An act granting licenses to trade in the Cherokee Nation."

Be it further enacted, That nothing in this act shall operate to prevent any citizens from obtaining coal at any mine or bank for his own use.

Concurred in by council with the following amendment: That the preparation and sale of mineral or medicinal waters be excluded with gold and silver, and that all revenue derived from that source be added to the school fund.

Approved December 15, 1883.

D. W. BUSHYHEAD,
Principal Chief Cherokee Nation.

I hereby certify that the foregoing is a true and correct copy of the amendment of the compiled laws of the Cherokee Nation. Approved December 15, 1883.

[SEAL.]

W. H. MAYES,
Assistant Executive Secretary.

EXECUTIVE DEPARTMENT CHEROKEE NATION, IND. T.,
Tahlequah, August 1, 1890.

To the United States Congress:

GENTLEMEN: Please allow me to call your attention to joint resolution (S. R. 114), introduced July 11, 1890, by Senator Jones, of Arkansas, relating to leases in the Indian Territory.

As chief of the Cherokees, I earnestly protest against its passage, so far as it affects the interest of my people and nation. The laws of the Cherokee Nation declare and make all minerals the property of the nation, and provisions are made whereby a citizen can lease a mine for a period not to exceed ten years, and associate with himself foreign capital in this lease to successfully work the same; but no right is given a non-citizen to lease a mine himself.

So you see the resolution is in plain violation of the laws of the Cherokee Nation regulating the use of her own property.

Now, I respectfully ask you not to interfere with the property rights of this nation.

This action on the part of Congress seems very strange indeed to the Cherokees, in thus attempting to lease their mineral resources, in violation of their laws, to non-citizens for a period of ninety-nine years, which has the appearance of much inconsistency in your great Government in its dealings with this weak race of people.

Since your Government, through its President, has issued an order that we shall not let our grass to United States citizens, and has by that order stopped a revenue due our nation at the rate of $200,000 per annum, it appears to the Cherokees that your Government is determined that they shall not use their property to the best advantage. I earnestly ask you again not to interfere with our sacred property rights, that we have enjoyed undisturbed for over half century.

I have the honor to be, very respectfully,

J. B. MAYES,
Principal Chief Cherokee Nation.

UNITED STATES INDIAN SERVICE,
Union Agency, Muscogee, Ind. T., August 11, 1890.

SIR: I have the honor to report that Agent Bennett left last night for the Chickasaw Nation, to be present at the election in the interest of peace and order. Before his departure, he instructed me to advise you that numerous petitions, with many signers, were being sent in from all parts of the Choctaw Nation, protesting against the Choctaw Coal and Railway Co.'s leases, and to request you to take such action as would delay action upon the part of Congress in this matter until these petitions reach your office; that as soon as he returns those already filed and some to come will be transmitted.

Very respectfully, your obedient servant.

FRED. MORRIS,
Clerk

The COMMISSIONER OF INDIAN AFFAIRS,
Washington D. C.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 224.

IN THE SENATE OF THE UNITED STATES.

AUGUST 25, 1890.—Referred to the Committee on Military Affairs and ordered to be printed.

LETTER OF GENERAL WILLIAM B. FRANKLIN, PRESIDENT OF THE BOARD OF MANAGERS OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS, TRANSMITTING CERTAIN INFORMATION IN RELATION TO THE ADMISSION OF EX-SOLDIERS AND SAILORS TO THE NATIONAL SOLDIERS' HOME, IN RESPONSE TO SENATE RESOLUTION OF JULY 28, 1890.

THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
Hartford, Conn., August 20, 1890.

SIR: I have received from the honorable Secretary of War a resolution of the Senate dated July 28, 1890, calling for certain information concerning the National Home for Disabled Volunteer Soldiers. The resolution is herewith respectfully returned with the following report on the subject.

Section 4832, Revised Statutes of the United States, enacts:

The following persons only shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto, upon the recommendation of three of the Board of Managers, namely: All officers and soldiers who served in the late war for the suppression of the rebellion, and the volunteer soldiers and sailors of the war of 1812 and of the Mexican war, and not provided for by existing laws, who have been or may be disabled by wounds received, or sickness contracted in the line of their duty; and such of these as have neither wife, child, nor parent dependent upon them, on becoming inmates of this Home, or receiving relief therefrom, shall assign thereto their pensions when required by the Board of Managers, during the time they shall remain in the Home.

An act to authorize the location of a Branch Home for Disabled Volunteer Soldiers and Sailors in either the State of Arkansas, Colorado, etc., section 5, approved July 5, 1884, enacts—

That all honorably discharged soldiers and sailors who served in the war of the rebellion, and the volunteer soldiers and sailors of the war of 1812 and of the Mexican war, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, shall be admitted into the Home for Disabled Volunteer Soldiers, provided that such disability was not incurred in service against the United States.

Section 4825, Revised Statutes of the United States, authorizes the Board of Managers "to make by-laws, rules, and regulations, not inconsistent with law, for carrying on the business and government of the Home, and to affix penalties thereto."

The Board of Managers at the beginning made the "by-laws, rules, and regulations" authorized above.

I append to this report, marked A, a blank form which is required to be filled up by every man who desires to enter the Home. When it is filled up properly the manager has the man's military history, infor-

mation as to his pension, if he have one, his physical state as to disability, and his social state. And the man can be sent by the manager to one of the branches of the Home if he thinks it proper to send him.

The paper marked B, also appended, has been published from time to time for the information and instruction of men desiring admission to the Home.

It will be observed that the fact that a soldier is a pensioner seems to have no bearing on his right to admission to the Home in either of the above-quoted laws. In fact, in the early history of the Home, a pensioner was considered eligible because he was a pensioner, and, therefore, as a general thing, unable to earn a living by manual labor. There were, therefore, at this time and up to the enactment of the law approved July 5, 1884, no rules basing admission to the Home, in whole or in part, upon the amount of pension the man received. But, until the passage of that act, no person was eligible to the Home unless he had been disabled in service. Afterwards a disabled soldier could be admitted to the Home without reference to the time or cause of disability. This law opened the doors of the Home to a vast number of men who had been hitherto excluded, and the result was that the Home began to be crowded. This fact directed the attention of the Board to the admission of pensioners, and it was determined that thereafter no manager should admit soldiers to the Home who were receiving pensions of more than $16 monthly, unless there were circumstances in the case of a man receiving a higher amount that commended themselves to his judgment as making a proper exception to the rule. Among such circumstances are the assignment of a portion of the pension to the family, the need of constant medical attendance, blindness, total deafness, inability to care for himself unaided, and other extreme cases. But every year, about the beginning of winter, the whole Home is full. Then all pensioners are discriminated against, and admission is only granted to those disabled men who have no pensions.

I therefore respectfully report that the rules for admission to the National Home for Disabled Soldiers and Sailors are:

(1) The applicant makes known his case to any manager. It is the duty of the manager to send him the blank form A. When he receives it back, filled out, he then determines whether or not to send the man to the Home, and to what branch of it, and sends him the transportation if he admits him.

(2) All pensioners above $16 monthly are inadmissible unless there are exceptional circumstances, and each manager is the judge of such circumstances.

(3) When the Home is full all pensioners are made to wait until the non-pensioners who are applicants for admission have been either admitted or rejected.

I respectfully call attention to the fact that in 1882 a bill was passed by the United States House of Representatives taking away from pensioners in the Home all excess of pensions above $12 monthly and devoting the excess to the maintenance of the Home. The provision was stricken out by the Senate, and when the bill was returned to the House it was unanimously rejected.

A list of all members of the Home whose pensions exceed $16 monthly, with such information respecting the reasons for their admission to the Home as I have been able to obtain, is appended hereto, marked C.

W. B. FRANKLIN,
President Board of Managers,
National Home Disabled Volunteer Soldiers.

The PRESIDENT OF THE SENATE OF THE UNITED STATES.

A.

[See "Explanations and directions" on third page.]

Application for admission to the National Home for Disabled Volunteer Soldiers.

[Branches: Central, Dayton, Ohio: Eastern, Augusta, Me.; North-Western, Milwaukee, Wis.; Southern, Hampton, Va.; Western, Leavenworth, Kans. Managers: The President of the United States; the Chief-Justice; the Secretary of War—Ex-Officios. General William B. Franklin, president, Hartford, Conn. Col. Leonard A. Harris, first vice-president, Cincinnati, Ohio. General John A. Martin, second vice-president, Atchison, Kans., General Martin T. McMahon, secretary, 93 Nassau street, New York City. General James S. Negley, Pittsburgh, Pa. General John C. Black, Washington, D.C. General Thomas W. Hyde, Bath, Me. General William J. Sewell, Camden, N.J. Capt. John L. Mitchell, Milwaukee, Wis. Capt. William Blanding, San Francisco, Cal.]

STATE OF ——, *County of* ——, *ss.*:

On this —— day of —— A. D. 188—, personally appeared before me, (1) —— —— within and for the county and State aforesaid (2) —— —— aged —— years; height, —— feet; complexion, ——; a resident of (3), ——, county of ——, State of ——, who being duly sworn, deposes and says, that he was born in (4) —— and has been enlisted in the service of the United States (5) —— times during the (6) —— war, and honorably discharged from each enlistment, as follows:

No. of enlistments.	When enlisted, with rank.	When enlisted, town and State.	Company and regiment mustered in.	Date and place of discharge with rank.	Cause of discharge.
1st.....					
2d					
3d					
4th					

That he is disabled as follows: (7) —— —— and has been receiving —— dollars per month pension, on certificate No. —— payable at —— agency, from —— —— 18 —, and being unable on account of his disability to earn his living by manual labor, desires admission to the National Home for Disabled Volunteer Soldiers.

The said applicant further swears that he has not been engaged in, or aided or abetted the late rebellion in the United States; and that he has never been a member of either of the Branches of the National Home for Disabled Volunteer Soldiers. And said applicant further stipulates and agrees that he will abide by and obey all the rules and regulations made by the Board of Managers, or by their order; that he will perform all the duties required of him, and obey all lawful orders of the officers of the Home; and he further transfers to the National Home for Disabled Volunteer Soldiers his pension certificate, and the moneys secured thereby; and he hereby authorizes and empowers the treasurer of the Home to draw the said moneys and hold and dispose of the same, subject to the laws of Congress and the rules, regulations, and orders which have been or may hereafter be made by the Board of Managers of said National Home for Disabled Volunteer Soldiers.

Witness.
—— ——.
—— ——.

(8) —— ——.

Sworn to and subscribed before me the day and year first above written, and I hereby certify that the foregoing affidavit was read over, and fully explained to —— —— before he executed it.

(11) —— ——
—— ——

CERTIFICATE OF IDENTIFICATION.

I hereby certify that I have every reason to believe, after an examination of his discharge papers, that (9) —— —— is the identical person described therein, and that the above declaration signed by him is true.

(9) —— ——,
—— ——.

SURGEON'S CERTIFICATE.

I certify that I have carefully examined (2) ——— ——— Co. —— reg't ——— volunteers, and that he is (10) permanently temporarily disabled for obtaining his subsistence by manual labor.

Date of injury or disease, ——— day ———, 18—.
Place of ——— State of ———.
Character of disability ———.
Complications, ———.
Present condition of applicant, ———.

(10) ——— ———, *Surgeon.*

Sworn to and subscribed before me, this —— day of ———, A. D. 188—, and I hereby certify that the said ——— ——— is known to me as a surgeon in actual practice, and reputable in his profession.

(11) ——— ———,
——— ———.

Occupation ———.
Married or single ———.
Children under sixteen years ———.

Name and address of nearest relative,
——— ———,
——— ———.

ORDER FOR ADMISSION.

———, ——, 188—.

The above application is hereby approved, and (2) ——— ———, —— Co., ——— Reg't, ——— Vols., will be admitted to the ——— Branch, National Home for D. V. S., a ———.

———, ———,
Manager National Home for D. V. S.

EXPLANATIONS AND DIRECTIONS.

[The figures in the body of this application refer to the directions below, and must be carefully observed in filling the blanks.]

1. Name and title of magistrate.
2. Applicant's name.
3. Post-office address.
4. Town, county, State (or nation).
5. State the number of times actually mustered into the service of the United States.
6. Give the name of the war (1812, Mexican, or civil).
7. *Here state minutely the cause and nature of the disability; if by wounds, state the nature of the wounds, and when and where received; if by disease, state the nature of disease, and where contracted.*
8. Signature of applicant. Two witnesses are required if he makes his mark.
9. This certificate must be signed by the adjutant-general or surgeon-general of the State, or by the mayor or city clerk of the city, or one of the selectmen, or some other respectable and responsible citizen of the town in which the applicant resides.
10. If the certificate of examination is officially signed by a surgeon-general of a State, or a United States examining surgeon, or by a surgeon designated for that purpose by a manager of the Home, it need not be sworn to. One of the words, "permanently" or "temporarily" in the certificate, must be erased by the surgeon.
11. Official signature of magistrate or notary.

The soldier or sailor making this application must forward to the manager to whom he applies for admission his discharge, or a certified copy thereof, and pension certificate, or receipt therefor, before his application is granted, which papers will be sent to the branch of the Home to which the applicant is admitted, to be kept there, and returned to him when he is discharged. This rule is adopted to prevent the loss of such papers and certificates, and to hinder fraudulent practices.

After filling out this application and executing it as above directed, forward it, with the other papers, to the nearest of the managers whose names are printed on the first page of this sheet, giving post-office address, nearest railroad station, and if application is approved, transportation will be forworded without charge.

(Indorsed:) Register No. ———. Application for admission to the National Home for Disabled Volunteer Soldiers of ——— ———, —— Co., ——— Reg't, ——— Vols., —— Co., ——— Reg't, ——— Vols., —— Co., ——— Reg't, ——— Vols., admitted to ——— ——— Branch, ———, ——, 188—. Approved by ——— ———, *Manager National Home D. V. S.*

B.

THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

[Managers: The President of the United States; the Chief-Justice; the Secretary of War—*ex officio* General William B. Franklin, president, Hartford, Conn; Col. Leonard A. Harris, first vice-president, Cincinnati, Ohio; General John A. Martin, second vice-president, Atchison, Kans.; General Martin T. McMahon, secretary, 93 Nassau street, New York City; General James S. Negley, Pittsburgh, Pa.; General John C. Black, Washington, D. C.; General Thomas W. Hyde, Bath, Me.; General William J. Sewell, Camden, N. J.; Capt. John L. Mitchell, Milwaukee, Wis.; Capt. William Blanding, San Francisco, Cal.]

Branches: Cantral, Dayton, Ohio; Eastern, Augusta, Me.; Northwestern, Milwaukee, Wis.; Southern, Hampton, Va.; and Western, Leavenworth, Kans.

The Board of Managers of the National Home for Disabled Volunteer Soldiers invite the attention of all disabled soldiers and sailors of the United States—whether of the late war or the Mexican war—to the fact that homes have been established at the places above named for all such as are unable to earn a living by labor. All the ordinary comforts of a home are provided. Chapels for religious service, halls for concerts, lectures, etc., hospitals with experienced surgeons and nurses, library and reading-rooms, amusement halls, post and telegraph offices, stores, work-shops, etc. *Suitable compensation is given for profitable labor. Good behavior insures the kindest treatment.*

Soldiers and sailors are especially informed that the Home is neither an hospital nor alms-house, but a home, where subsistence, quarters, clothing, religious instruction, employment when possible, and amusements are provided by the Government of the United States. The provision is not a charity; but is a reward to the brave and deserving, and is their right, to be forfeited only by bad conduct at the Home, or conviction of heinous crimes.

A soldier or sailor desiring admission may apply by letter to either of the managers, whereupon a blank application will be sent to him, and if he be found duly qualified, transportation will be furnished; or he can apply personally or by letter, at the branch nearest to his place of residence.

REQUIREMENTS FOR ADMISSION.

First. An honorable discharge from the United States service.

Second. Disability which prevents the applicant from earning his living by labor.

Third. Applicants for admission will be required to stipulate and agree to abide by all the rules and regulations made by the Board of Managers, or by their order; to perform all duties required of them, and to obey all the lawful orders of the officers of the Home. Attention is called to the fact that by the law establishing the Home the members are made subject to the Rules and Articles of War, and will be governed thereby in the same manner as if they were in the Army of the United States.

Fourth. A soldier or sailor must forward with his application for admission his discharge paper, and when he is a pensioner his pension certificate, before his application will be considered, which papers will be retained at the branch to which the applicant is admitted, to be kept there for him, and returned to him when he is discharged. This rule is adopted to prevent the loss of such papers and certificates and to hinder fraudulent practices; and no application will be considered unless these papers be sent with it. If the original discharge does not exist, a copy of discharge, certified by the War or Navy Department, or by the adjutant-general of the State, must accompany the application. On admission he must also transfer his pension certificate to the Home, and the moneys secured thereby, and empower the treasurer of the Home to draw the said moneys, and to hold and dispose of them, subject to the laws of Congress and the rules, regulations, and orders which have been or may hereafter be made by the Board of Managers of said National Home for Disabled Volunteer Soldiers.

SYSTEM OF REGULATIONS GOVERNING PAYMENT OF PENSIONS.

The pensions to be paid to the beneficiaries of the National Home for Disabled Volunteer Soldiers under the act approved February 26, 1881, making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, etc., shall be held by the treasurers of the branches, and be paid over to the pensioners at such times and in such amounts as the governors may direct, with the following reservations:

First. A pensioner having a wife, child, or parent dependent upon him, may send, or may direct that all of his pension money shall be sent to such dependent relative, enough being retained by the treasurer to guard the Home against any loss that might occur on account of issues of clothing or tobacco made to the pensioner, when the pension is large enough to justify such retention.—(*Printed Minutes, page* 263.)

Second. Pensioners who have no dependent relatives may have withheld from them an amount sufficient to pay for all issues of clothing and tobacco (under restrictions, *see Printed Minutes, page* 263) and to defray any reasonable expenses likely to be incurred by the pensioner during the quarter, the non-payment of which would cause a loss to the Home.

Third. The governors may prevent a hurtful or wasteful or extravagant use of the pension money in any case by retaining a sufficient amount until in their opinion the danger of harm or waste or extravagance has passed.

Fourth. Any balance which may remain in the hands of the treasurers at the end of the quarter shall be invested as is prescribed by the resolution of the Board of Managers of July 2, 1877 (*Printed Minutes, page* 405), and the modification of that resolution adopted by the board on September 21, 1880, (*printed minutes, page* 612). And any balance due the pensioner at the date of his discharge or death shall be disposed of as directed by the act of Congress approved February 26, 1881.

Fifth. These regulations, which are made by the committee appointed by resolution of the Board of Managers at the March meeting, 1881 (*see Printed Minutes, page* 655), may be at any time modified in accordance with existing provisions of law, either by action of the Board of Managers or of the committee.

☞Applicants will find it to their advantage to conform strictly to the above requirements.

WILLIAM B. FRANKLIN, *President.*
M. T. MCMAHON, *Secretary.*

C.

AUGUST 2, 1890.

List of members of the National Home for Disabled Volunteer Soldiers who receive more than $16 per month pension, with dates of and reasons for admission.

Date.	No.	Name.	Co.	Regiment.	Rate.	Reason for admission.
1867.						
Mar 15	1	Kelly, Albert J	D	87th Pa	$45.00	Loss right arm.
Mar. 26	2	Fezer, Herman	K	7th Ohio	30.00	Loss left leg.
Apr. 17	3	Flood, Arthur	C	71st Pa	18.00	Gunshot wound right leg.
Apr. 17	4	Song, Philip	H	47th N. Y	36.00	Loss left leg.
May 6	5	Manning, Thomas	H	5th Ohio	30.00	Loss right leg.
May 7	6	Bullock, Nelson	B	16th Mich	30.00	Loss one eye.
May 30	7	Chevenon, Oliver (alias Chebenon).	A	7th N. Y. H. Art'y	30.00	Gunshot wound left ankle.
June 6	8	Crew, Michael	E	156th Ill	36.00	Loss left leg.
July 23	9	Freidericks, John	K	2d Mich	30.00	Loss right leg.
July 27	10	Weidle, John F	G	29th Ohio	30.00	Do.
Aug. 27	11	Lawrence, Robert D	E	1st Mich. Lt. Art'y	17.00	Pneumonia; piles.
Sept. 11	12	Henderson, Samuel	G	71st N. Y	24.00	Gunshot wound left shoulder
Sept. 21	13	Keeler, William		8th N. Y. H. Art'y	45.00	Loss right arm.
Sept. 21	14	Davis, James D	C	76th Pa	36.00	Gunshot wound right hip.
Oct. 10	15	Furlong, Patrick	A	7th Mich	36.00	Loss right arm.
Nov. 8	16	Gilligan, Hugh	K	22d Maine	30.00	Gunshot wound left leg.
Nov. 18	17	Callahan, Patrick	D	4th N. J. Lt. Art'y	30.00	Loss right arm.
Dec. 6	18	Joyce, Patrick	C	124th Ohio	24.00	Gunshot wound left shoulder, bone disease.
1868.						
Jan. 13	19	Weigler, Charles	A	14th Mo	24.00	Gunshot wound right knee-joint.
Feb. 24	20	Hidaka, Frederick	H	5th U. S. Cav'y	18.00	Chronic diarrhea.
Apr. 4	21	Fadden, Thomas	E	18th Ill	30.00	Loss left arm.
Apr. 13	22	Thorn, Joseph F	D	8th Maine	24.00	Disease of lung.
Apr. 25	23	Smith, Edward	I	136th Pa	30.00	Loss right arm.
Aug. 24	24	Dimmick, Russell F	E	1st Wis	24.00	Injury right eye.
Sept. 14	25	Shelley, Laurin C	H	11th Ohio	30.00	Gunshot wound right hand.
Sept. 26	26	Ryan, Timothy	G	9th Ill	45.00	Loss right leg.
Nov. 6	27	Brannan, Patrick	E	5th Ohio Cav'y	24.00	Gunshot wound foot; ulcer on leg.
Dec. 1	28	Kirkwood, Henry C	H	3d Mass. H. Art'y	30.00	Chronic bronchitis.
Dec. 1	29	Bovery, Valentine		Simmond's Q. Batt'y	24.00	Injury of shoulder.
Dec. 10	30	Crowther, Holt	F	20th Pa	30.00	Gunshot wound left arm.
Dec. 22	31	Miller, John	F	2d U. S. Inf'y	36.00	Shell wound knee-joint.
1869.						
Feb. 12	32	Lamb, Peter	A	61st N. Y	45.00	Gunshot wound left arm.
Apr. 21	33	Duffy, Thomas	I	70th N. Y	30.00	Loss left leg.
Apr. 22	34	Wall, Philip	H	3d Mass. Cav'y	24.00	Gunshot wound hip.
May 3	35	Salon, Richard	H	1st Mich. Cav'y	36.00	Loss left leg.
June 9	36	Taylor, Matthew P	D	138th Pa	30.00	Loss left arm.
June 30	37	Duschenes, Jacob	K	71st N. Y	36.00	Loss left leg.
June 30	38	Berran, Bernard	K	160th N. Y	45.00	Do.
June 30	39	O'Connor, John G		2d V. R. Corps	18.00	Disease of hips.

List of members of the National Home for Disabled Volunteer Soldiers who receive more than $16 *per month pension, etc.*—Continued.

Date.	No.	Name.	Co.	Regiment	Rate.	Reason for admission.
1869.						
June 30	40	Cobb, John G	G	54th N. Y	$30.00	Gunshot wound of face.
June 30	41	Frederick, John	F	127th N. Y	36.00	Gunshot wound right thigh.
June 30	42	Wallace, Samuel F	D	178th N. Y	45.00	Loss right leg.
July 5	43	White, Patrick	A	2d N. Y. Cav'y	30.00	Loss right arm and left thumb.
July 28	44	Jones, William	K	100th N. Y	24.00	Gunshot wound right shoulder.
Sept. 18	45	Thaxton, Benj. F	A	7th W. Va. Cav'y	24.00	Injury left knee-joint.
Sept. 23	46	Sullivan, John	I	23d Ill	24.00	Gunshot wound left forearm.
Oct. 5	47	Suss, Charles	A	108th Ohio	24.00	Disease of right eye.
Oct. 5	48	Ludes, Matthias	A	2d Mo	45.00	Loss right leg.
Oct. 9	49	Müller, Edward	F	29th N. Y	45.00	Loss left leg.
Oct. 10	50	Stetson, Oberon O	B	32d Maine	30.00	Gunshot wound left arm.
Oct. 15	51	Smith, John	C	60th N. Y	30.00	Gunshot wound left leg.
Oct. 19	52	Ault, Valentine H	E	1st Ohio Art'y	24.00	Nearly blind.
Oct. 23	53	Robinson, Alex	G	11th N. H	30.00	Gunshot wound right arm.
Oct. 28	54	Linnenkamp, Jacob	F	106th Ohio	72.00	Blindness.
Nov. 6	55	Harris, James	....	15th N. Y. Batt'y	24.00	Gunshot wound in back.
Nov. 17	56	Roberts, Geo. W	L	1st Maine Cav'y	24.00	Paralysis.
Dec. 30	57	Larson, Peter	B	119th N. Y	18.99	Gunshot wound left hip.
1870.						
Jan. 14	58	Sheridan, John A	D	5th N. Y	30.00	Gunshot wound breast.
Feb. 6	59	Horle, Joseph	G	3d N. Y. Art'y	45.00	Loss arm.
Apr. 7	60	Allen, Henry D	B	117th N. Y	45.00	Loss left arm.
Apr. 7	61	Field, James	F	73d N. Y	30.00	Dislocation left thigh.
Apr. 19	62	Lease, Daniel	E	1st Ohio	30.00	Loss right leg.
May 3	63	Hawkins, Edward	F	52d Ill	24.00	Gunshot wound both thighs.
May 19	64	Hopking, Perez A	F	1st R. I. H. Art'y	30.00	Loss right hand.
June 4	65	Milligan, James	D	42d N. Y	17.00	Rheumatism.
Sept. 22	66	Everatein, William	F	26th Pa	30.00	Gunshot wound right arm; hernia.
Sept. 22	67	Hall, Bradley	I	40th N. Y	45.00	Loss right arm.
Sept. 25	68	Meredith, William	C	4th U. S. Inf'y	30.00	Loss of sight.
Oct. 20	69	Van Buren, Martin	K	3d N. Y. Art'y	24.00	Epilepsy.
Nov. 8	70	O'Brien, John	E	69th N. Y	24.00	Gunshot wound both thighs; deafness.
Nov. 8	71	Meisner, Charles	B	52d N. Y	24.00	Anchylosis left elbow.
Nov. 10	72	Burbridge, Charles	K	88th Pa	30.00	Loss right leg.
Dec. 22	73	Hayes, Patrick	A	31st Mass	36.00	Loss right arm.
Dec. 30	74	Bunnell, William D	G	152d N. Y	36.00	Loss of leg.
1871.						
Jan. 7	75	Carmody, Charles H	K	44th U. S. C. T	36.00	Gunshot wound and paralysis right arm.
Jan. 13	76	Dunn, Thomas	....	U. S. Navy	30.00	Loss left leg; ulcer of stump.
Jan. 21	77	Kenney, David	A	16th U. S	36.00	Loss left leg.
Mar. 4	78	Metzler, George B	I	4th Ohio	24.00	Asthma.
Mar. 15	79	Burrell, Fleet	....	U. S. Navy	36.00	Loss right leg.
Mar. 25	80	McGarraghan, Hugh	E	24th Ohio	36.00	Do.
Apr. 8	81	Noerlinger, Frederick	D	75th Pa	30.00	Gunshot wound, left thigh.
Apr. 13	82	Lynott, Thomas	C	20th Ky	24.00	Gunshot wound right arm.
June 4	83	Hinton, Thomas	C	65th N. Y	24.00	Gunshot wounds right arm, thigh, and left breast.
June 26	84	Crombie, Joseph C	A	11th Maine	18.00	Disease of kidneys.
July 27	85	Worley, David B	B	181st Ohio	17.00	Shell wound shoulder; partial paralysis.
Aug. 7	86	Fox, Charles	I	111th N. Y	30.00	Loss right leg; shell wound left.
Aug. 7	87	McDermott, Francis	H	6th Ky. Cav'y	17.00	Shell wound left leg.
Aug. 23	88	Neaveau, Pierre	F	30th Mass	24.00	Disease of eyes.
Aug. 31	89	Kelley, Vincent P	B	108th N. Y	36.00	Loss right leg; gunshot wound left.
Aug. 31	90	Twitchell, Ralph	B	23d Ohio	17.00	Varicose veins both legs.
Sept. 22	91	Green, Henry	K	17th Maine	36.00	Gunshot wound right knee.
Sept. 26	92	Fitzpatrick, Patrick	C	88th N. Y	24.00	Gunshot wound face.
Oct. 7	93	Carr, Alexander C	F	7th Ohio	30.00	Loss left forearm.
Oct. 12	94	Dempsey, Edward	C	4th Ky	45.00	Loss right arm.
Oct. 14	95	Seng, Tobias	A	41st N. Y	30.00	Loss left foot.
Oct. 18	96	Dooley, William	E	58th Ill	30.00	Injury right leg.
Oct. 24	97	Nierman, Charles A	M	56th Ohio Cav'y	36.00	Loss left arm.
Nov. 14	98	Peyton, Patrick	G	69th N. Y	24.00	Rheumatism.
Dec. 16	99	Drake, Albert L	B	10th Mass	30.00	Gunshot wound left arm.
Dec. 19	100	Burton, Alexander	H	12th U. S. C. T	72.00	Fracture right ankle.
1872.						
Jan. 19	101	Quinn, John	H	1st Mass. Cav	30.00	Gunshot wound right hand.
Jan. 27	102	Riley, Henry	C	40th Ind	30.00	Fracture right wrist.
Feb. 5	103	McKenna, John	E	36th N. Y	30.00	Paralysis left side.
Mar. 22	104	Lynch, Michael	H	15th W. Va	24.00	Gunshot wound foot.
Apr. 6	105	Eiger, John H	C	28th Mass	30.00	Loss left hand.

List of members of the National Home for Disabled Volunteer Soldiers who receive more than $16 per month pension, etc.—Continued.

Date.	No.	Name.	Co.	Regiment.	Rate.	Reason for admission.
1872.						
June 19	106	Knoffle, Samuel	B	51st Ohio	$24.00	Gunshot wound left wrist.
July 25	107	Bates, Bennett H. (alias Wadsworth.)	D	29th Ohio	24.00	Shell wound head.
Aug. 7	108	Costello, John	E	6th N. Y. H. A	30.00	Gunshot wound right arm.
Sept. 7	109	Alexander, Wm. T	H	4th Ohio Cav'y	30.00	Injury of head; impaired sight.
Sept. 23	110	Calaway, George W	B	91st Ohio	72.00	Gunshot wound left thigh; disease of eyes.
Nov. 5	111	Sands, William P	C	5th Ohio	36.00	Gunshot wound right arm.
Nov. 14	112	Cain, Peter C	D	15th Mass	30.00	Gunshot wound left hand.
Dec. 13	113	O'Regan, Matthew	E	2d U. S. Art'y	36.00	Loss right fore-arm.
1873.						
Jan. 5	114	Kenney, John E	C	23d U. S. Inf'y	30.00	Paralysis.
Jan. 8	115	Somers, Matthew	D	71st N. Y	72.00	Do.
Jan. 15	116	Hart, Franklin	K	211th Pa	30.00	Gunshot wound knee; necrosis of bone.
Feb. 28	117	Reynolds, John W	G	49th Ohio	45.00	Loss right arm.
Mar. 22	118	Christy, Thomas	B	69th Pa	36.00	Loss left arm.
Mar. 26	119	Cunningham, James	B	11th Mass	45.00	Do.
Mar. 27	120	Spear, Maurice L	K	23d Pa	30.00	Do.
Apr. 7	121	Baker, Reuben	H	51st Pa	36.00	Gunshot wound right arm.
May 11	122	Davidson, Albert G	....	U. S. Navy	17.00	Piles.
May 11	123	Drost, Cornelius	C	9th N. J	30.00	Partial paralysis left side.
July 3	124	Moody, Thomas	K	113th Ohio	20.00	Gunshot wound left leg.
July 5	125	Stafford, John	C	104th Pa	30.00	Gunshot wound rigut leg.
July 24	126	Lee, Hugh	....	U. S. Navy	30.00	Injury right arm.
July 26	127	Hunt, Valentine	B	2d Mo. Lt. Art'y	24.00	Loss left eye; chronic rheumatism.
July 26	128	Williams, Daniel	C	63d Ohio	24.00	Organic disease of heart.
Sept. 3	129	Cushing, Hamilton	I	124th Ohio	17.00	Deafness, dropsy.
Sept. 5	130	Callahan, William	A	12th U. S. Inf'y	17.00	General debility.
Sept. 18	131	Donahue, Patrick	M	14th Ill. Cav'y	24.00	Gunshot wound shoulder.
Sept. 19	132	Schantz, Frederick	M	1st N. Y. Rifles	30.00	Gunshot wound right arm.
Sept. 29	133	Robinson, William J	F	8th Pa. Cav'y	24.00	Gunshot wound left shoulder.
Oct. 17	134	De Forrest, Daniel	H	100th N. Y	30.00	Loss right leg.
Nov. 7	135	Hobart, William	F	3d R. I. Cav'y	30.00	Fracture right arm.
Nov. 25	136	Wagner, Samuel	K	93d Ohio	24.00	Disease both eyes; kidney disease.
Dec. 23	137	Judge, James	C	2d R. I	24 00	Gunshot wound left elbow.
1874.						
Jan. 13	138	Martin, Patrick	B	130th Ill	22.00	Almost total deafness; rheumatism.
Feb. 14	139	Cadwallader, Albert	H	138th Pa	30.00	Loss left fore-arm.
Mar. 14	140	Collins, Michael	G	1st Mich	17.00	Gunshot wound right arm.
Mar. 27	141	Kuchman, Daniel	B	29th N. Y	30.00	Loss right foot.
June 1	142	Loftus, Michael	C	10th Ohio	30.00	Bayonet wound in back.
June 14	143	Roller, John	....	13th N. Y. Batt'y	30 00	Loss right hand.
June 26	144	Hughes, James	C	157th Pa	30.00	Gunshot wound left arm; rheumatism.
July 13	145	Breen, Michael	D	3d N. Y. Lt. Art'y	24.00	Rheumatism; conjunctivitis.
July 28	146	McKenzie, Robert	H	23d Mass	24.00	Gunshot wound left shoulder.
Oct. 31	147	Dolan, Alexander	I	164th N. Y	17.00	Gunshot wound right thigh.
Dec. 5	148	Summers, James	I	1st Ill. Art'y	24.00	Chronic diarrhea.
1875.						
Mar. 20	149	Roesch, George L	K	72d Pa	17.00	Gunshot wounds mouth and left arm.
Apr. 28	150	Powell, Levi	B	8th Pa	17.00	Gunshot wound right eye.
May 21	151	Lloyd, Einson	D	179th Ohio	17.00	Disease of kidneys.
June 18	152	Kuntz, Jacob	I	26th Ohio	30.00	Chronic diarrhea; rheumatism.
June 21	153	Ainsworth, Wm. H	K	43d N. Y	30.00	Loss of leg.
June 28	154	Morris, John	B	68th Pa	17.00	Chronic bronchitis; congestion of liver.
June 28	155	Vert, Edward	B	68th Pa	24.00	Gunshot wounds right elbow and abdomen.
Aug. 19	156	Gillen, John C	A	24th Mass	24.00	Gunshot wound right arm.
Sept. 14	157	Fay, John	K	11th Conn	30.00	Gunshot wound right leg.
Sept. 17	158	Rial, Joseph F	A	25th Ohio	30.00	Deaf, one ear; partially deaf other.
Sept. 19	159	Shanahan, Patrick	K	8th N. H	30.00	Loss right arm.
Oct. 12	160	Hugot, José	H	5th N. J	45.00	Loss left leg.
Oct. 21	161	Bauer, John	K	108th Ohio	24.00	Chronic inflammation of eyes
Oct. 23	162	Owens, Joseph M	H	8th Pa	45.00	Loss right leg.
Oct. 25	163	Riedel, Casper	D	32d Ind	24.00	Opthalmic; rheumatism.
Nov. 2	164	Britton, John	....	Ohio Lt. Art'y	24.00	Partial opacity of cornea.
Nov. 9	165	Rauschert, John	I	8th N. J	24.00	Gunshot wound head; epilepsy.

List of members of the National Home for Disabled Volunteer Soldiers who receive more than $16 per month pension, etc.—Continued.

Date.	No.	Name.	Co.	Regiment.	Rate.	Reason for admission.
1875.						
Nov. 13	166	Cassidy, John	A	170th N. Y	$50.00	Blindness.
Nov. 19	167	Hagarty, William	G	78th Pa	24.00	Gunshot wound left leg; fracture left tibia.
Dec. 8	168	Curry, Joseph	H	7th Md	30.00	Loss left leg.
Dec. 10	169	Goodwin, Patrick	K	112th N. Y	24.00	Gunshot wound head.
Dec. 29	170	Mathias, Jacob	K	27th Ind	30.00	Loss all fingers right hand.
Dec. 31	171	Stroedler, Charles	D	58th Ohio	17.00	Gunshot wound right thigh.
1876.						
Jan. 26	172	Muller, George	C	4th Mo. Cav'y	36.00	Loss left arm.
May 17	173	Finn, Bernard	I	2d Mass	24.00	Gunshot wound, left side.
May 29	174	Stevens, John P	A	3d Ill. Cav'y	24.00	Disease of lungs.
June 26	175	Piper, Francis	F	95th Pa	24.00	Gunshot wound head.
July 17	176	Whitenight, Philip C	H	2d Pa. Art'y	30.00	Gunshot wound left leg; saber cut head.
July 17	177	Sindelbach, Andrew	K	52d Ohio	30.00	Varicose veins; hernia.
Aug. 9	178	Chinchilla, Pascah	C	5th U. S. Cav'y	17.00	General debility.
Aug. 11	179	Duane, Henry	A	1st U. S. Art'y	30.00	Deafness.
Aug. 22	180	Smith, James	K	19th Maine	24.00	Gunshot wound right thigh.
Sept. 3	181	Cotthrill, Andrew J		11th Ind. Batt'y	30.00	Gunshot wound left side; varicocele.
Sept. 8	182	Shafft, Louis	C	12th N. H	24.00	Gunshot wound right arm; anchylosis.
Sept. 23	183	O'Grady, John		U. S. Navy	36.00	Gunshot wound right leg.
Sept. 23	184	Churchill, Elroy	A	1st N. Y. Rifles	24.00	Epilepsy.
Sept. 27	185	Alexander, Francis T.	H	199th Pa	24.00	Gunshot wound face, injuring mind.
Oct. 26	186	Flaherty, Patrick	H	2d Ohio	24.00	Gunshot wound left arm.
Oct. 26	187	Tinkler, John	G	18th U. S. Inf'y	45.00	Loss left arm.
Nov. 18	188	Messheimer, George	D	109th Pa	45.00	Gunshot wound right leg.
Nov. 19	189	McCormick, John	I	2d Mass	17.00	Gunshot wound right arm.
Dec. 1	190	Ahrens, Henry	F	4th Ohio Cav'y	24.00	Curvature spine; neuralgia.
Dec. 1	191	Newbrig, James E.	D	83d N. Y.	36.00	Gunshot wound right arm; anchylosis.
Dec. 6	192	Babe, Robert	D	97th Pa	30.00	Loss right leg.
Dec. 8	193	Uhrig, Carl	I	54th N. Y.	24.00	Chronic rheumatism.
Dec. 22	194	Renner, Anthony		Smith's Ohio Cav'y.	24.00	Gunshot wound face; loss part of jaw.
Dec. 23	195	Dwyer, Anthony	G	3d N. Y. Cav'y	30.00	Loss right foot.
Dec. 24	196	O'Neil, James	I	153d N. Y.	30.00	Loss left leg.
1877.						
Jan. 22	197	Fay, Philip	C	91st Ill.	30.00	Conjunctivities; opacity of both eyes.
Jan. 22	198	Marshall, William L.	A	55th Pa	36.00	Loss right leg.
Feb. 9	199	Regan, Patrick	A	2d N. Y. Art'y	24.00	Gunshot wound left thigh.
Mar. 17	200	Clark, John J.	C	73d Ohio	30.00	Gunshot wound right hand.
Apr 16	201	Krisher, Benj. F.	E	187th Pa	30.00	Gunshot wound left thigh and knee.
Apr. 18	202	Cushing, McCobb	C	4th Maine	24.00	Heart disease.
May 14	203	Grossman, Charles	E	41st N. Y.	17.00	Injury left side of head.
Aug. 11	204	Eveleth, Isaac N.	G	39th Ohio	30.00	Gunshot wound left wrist; anchylosis.
Aug. 11	205	Flynn, John	C	114th Ohio	20.00	Nervous derangement resembling chorea.
Oct. 5	206	Dowling, William	F	59th N. Y.	30.00	Loss left leg.
Oct. 12	207	McLaughlin, John	I	2d Conn. H. Art'y	17.00	General debility.
Oct. 25	208	Doyle, John	H	6th Wis	30.00	Hernia.
Nov. 2	209	Osborne, Hiram A.	H	109th Pa	24.00	Gunshot wound head.
Nov. 3	210	Goodwin, Terence	D	1st R. I. Lt. Art'y	30.00	Gunshot wound both arms.
Nov. 19	211	Green, Bartholemew	E	23d Ill.	30.00	Blind left eye; injury to the right.
Dec. 5	212	Elliott, William		U. S. Navy	24.00	Partial paralysis right side.
1878.						
Jan. 29	213	Webster, Charles E.		20th Ohio Batt'y	24.00	Gunshot wound face; loss right eye.
Feb. 21	214	Jackson, Henry C.	H	1st Del.	24.00	Gunshot wound left elbow; anchylosis.
Mar. 12	215	Ernesty, Edward	C	15th N. Y. H. Art'y	27.00	Deafness.
Mar. 14	216	Stedman, John E.	A	1st Conn. H. Art'y	24.00	Rheumatism; disease of bladder.
Mar. 26	217	Lynch, Henry	G	15th Conn.	36.00	Loss left leg.
Apr. 18	218	Volkman, Charles	E	52d N. Y.	30.00	Gunshot wound head; epilepsy.
Apr. 18	219	Friguart, Peter	K	25th Ohio	30.00	Gunshot wound right eye; epilepsy.
Apr. 30	220	Williams, William W.	D	6th Ohio	36.00	Gunshot wound left arm.
May 16	221	Wagner, William	K	106th Pa	24.00	Gunshot wound right hand.
May 24	222	Magee, Henry	D	114th Pa	27.00	Deaf both ears.
June 3	223	McCormick, James	B	62d Pa	18.00	Gunshot wound left hand.
June 6	224	O'Conner, Andrew	F	37th N. Y	22.00	Deafness.

List of members of the National Home for Disabled Volunteer Soldiers who receive more than $16 per month pension, etc.—Continued.

Date.	No.	Name.	Co.	Regiment.	Rate.	Reason for admission.
1878.						
June 27	225	Farrel, John	B	132d N. Y.	$24.00	Gunshot wound left thigh.
June 30	226	Brommer, Anthony	E	4th Ky. Mtd. Inf'y	24.00	Gunshot wound left knee.
July 14	227	Ryan, Patrick	D	26th Mass	30.00	Paraphegia.
July 19	228	Johnson, John	H	3rd Wis	24.00	Curvature of spine.
Aug. 1	229	Wood, Lorenzo D	I	2d Ind. Cav'y	30.00	Vertigo, from sun-stroke.
Aug. 1	230	Follman, Peter	H	43d N. Y.	30.00	Loss left arm.
Aug. 29	231	English, John		1st Maine Batt'y	22.00	Deafness.
Sept. 13	232	Mulvey, Thomas W	C	69th N. Y.	30.00	Consumption.
Sept. 30	233	Konkelman, Ferdinand	C	149th Pa	36.00	Gunshot wound right knee.
Oct. 1	234	Petry, William	I	1st Ohio Batt'y	18.00	Injury left ankle. Blindness.
Oct. 2	235	McCullum, John	B	1st D. C. Cav'y	30.00	Loss left leg.
Oct. 2	236	Vance, William	K	91st Pa	30.00	Loss left fore-arm.
Oct. 17	237	Wallen, Robert	H	69th Pa	24.00	Blindness.
Nov. 7	238	Tenney, Newton F	A	49th N. Y.	24.00	Gunshot wound left thigh; neuralgia.
Nov. 27	239	Sohan (1st) Thomas	K	10th N. H.	24.00	Loss left eye; rheumatism.
Dec. 4	240	Jenkins, Eli	K	125th Ill	36.00	Loss right leg.
Dec. 10	241	Lachy, William	D	17th N. Y.	18.00	Gunshot wound right leg.
Dec. 26	242	Ruth, Richard A	E	59th Mass	30.00	Loss left leg.
1879.						
Jan. 9	243	Barry, Thomas J		Maj. 16th Mich	25.00	Gunshot wound leg; var. veins; hernia.
Jan. 31	244	McNally, James	D	5th N. Y. H. Art'y	30.00	Loss right arm.
Feb. 17	245	Ellis, Luther		6th Maine Batt'y	30.00	Loss left leg.
Mar. 14	246	Warner, William H	D	40th N. Y.	24.00	Gunshot wound face.
Mar. 18	247	Starkey, Richard	L	3d Mich. Cav'y	24.00	Inguinal hernia left side.
Apr. 11	248	Elsner, Constantine	B	20th Mass	36.00	Loss left leg.
May 1	249	Schueller, Edward	I	17th Mo	20.00	Gunshot wound right thigh and scrotum.
May 7	250	Rouse, Charles H	D	3d R. I. H. Art'y	18.00	Loss left eye.
May 10	251	Ingersoll, Norman J	F	48th Ill	72.00	Kidney disease.
May 16	252	Hackman, Joseph	B	41st N. Y.	30.00	Loss left leg.
May 20	253	Rowling, Amza	G	142d Ind	30.00	Effects of sun-stroke.
June 11	254	Goern, Matthias	B	9th N. Y.	24.00	Gunshot wound left knee.
June 17	255	McDermott, Felix	F	21st Mass	24.00	Gunshot wound right wrist.
June 18	256	Barr, Charles	F	1st Md. Cav'y	22.00	Deafness.
July 16	257	Gahagan, Thomas	A	5th N. H.	18.00	Gunshot wound left shoulder.
July 22	258	Scott, Alexander	C	139th Pa	24.00	Do.
July 24	259	Rumpf, John	B	75th Pa	30.00	Loss right leg.
Aug. 13	260	Knoxville, Peter	F	1st Ind. Cav'y	24.00	Gunshot wound left forearm.
Sept. 27	261	Doolittle, Edwin	G	1st N. Y. Eng'rs	50.00	Blindness.
Oct. 6	262	Carney, Peter	D	82d N. Y.	36.00	Gunshot wound left thigh.
Oct. 28	263	Radcliff, Thomas	E	68th Ohio	17.00	Loss left eye; right impaired.
Nov. 20	264	Welch, Martin	E	15th Mass	17.00	Rheumatism.
Nov. 22	265	Sachs, Leopold	B	39th N. Y.	25.00	General debility.
Nov. 29	266	Van Allen, Henry	M	9th Mich. Cav'y	17.00	Internal piles.
Dec. 4	267	Klenardt, John A	A	28th N. Y.	24.00	Sciatica.
1880.						
Jan. 12	268	McDonald, Andrew		U. S. Navy	24.00	Injury left leg.
Jan. 25	269	Coffey, Christopher	C	21st Wis	25.00	Gunshot wound right arm and shoulder.
Mar. 2	270	Crow, Thomas	D	10th Ohio	24.00	Gunshot wound; chr. bronchitis.
Mar. 9	271	Livingston, William	G	3d U. S. Cav'y	24.00	Gunshot wound both thighs.
Mar. 9	272	Olinger, John	G	57th Ill	24.00	Sun-stroke.
Mar. 15	273	Abbott, Harlin	F	77th N. Y.	17.00	Gunshot wound leg; loss of eye.
Mar. 26	274	Wise, George E		U. S. Navy	24.00	Chr. rheumatism.
Mar. 26	275	Twohey, John	G	98th N. Y.	18.00	Gunshot wound head.
Apr. 14	276	Stegmiller, Geo. C	I	23d Ohio	18.00	Gunshot wound right thigh.
Apr. 29	277	Bell, Benjamin F	B	17th Ill. Cav'y	17.00	Gunshot wound right knee.
May 14	278	Taylor, Orville	L	22d N. Y. Cav'y	50.00	St. Vitus' dance.
June 20	279	Decker, Michael	E	3d Mo.	36.00	Loss left arm.
June 24	280	Schiebel, John	G	12th Mo.	30.00	Disease of eyes.
June 25	281	McMillan, John W	G	24th Mich.	36.00	Loss right leg.
July 10	282	Tierney, Thomas	E	37th N. Y.	30.00	Gunshot wound left arm.
July 22	283	McCarty, Walter	A	23d Ill	30.00	Loss left foot.
July 27	284	Conlon, Patrick	K	46th Ohio	17.00	Gunshot wound both thighs; fractured jaw.
Aug. 13	285	Fell, John	C	1st Ohio Cav'y	24.00	Gunshot wound left arm.
Sept. 14	286	Bray, Frank E	A	24th Ohio	24.00	Chr. diarrh.; opium habit.
Sept. 23	287	Hoglucht, John	B	5th Ohio	17.00	Ing. hernia, and rheumatism.
Oct. 1	288	Jordan, James	A	22d Ind	17.00	Fistula in ano; hernia.
Oct. 4	289	Lodge, Godfrey		U. S. Marine Corps	24.00	Rheumatism; lameness.
Oct. 14	290	Tenerty, Patrick	D	69th Pa	24.00	Asthma: hernia; loss fore-finger.
Oct. 20	291	Kibbey, Timothy	F	2d Ohio	17.00	Prolapsus of rectum.

List of members of the National Home for Disabled Volunteer Soldiers who receive more than $16 per month pension, etc.—Continued.

Date.	No.	Name.	Co.	Regiment.	Rate.	Reason for admission.
1880.						
Oct. 27	292	Chaffee, Marion	E	4th Vt	$30.00	Gunshot wound; anchylosis.
Oct. 29	293	Dobelbies, Henry	B	145th N. Y	24.00	Paralysis.
Dec. 8	294	Carey, John	H	3d N. H	30.00	Loss of right leg.
Dec. 10	295	Reily (alias Riley), John).	D	5th N. Y. H. Art'y	17.00	Gunshot wound face, ulcer left leg.
Dec. 23	296	Patterson, Wesley L.	I	60th Ohio	20.00	Gunshot wound back and side.
1881.						
Jan. 11	297	Peck, Matthew C	C	10th Wis	30.00	Disease of eyes.
Jan. 18	298	Troy, Richard	C	2d N. Y. H. Art'y	17.00	Varicose veins right leg.
Jan. 19	299	Nadin, Arthur (alias John Smith).	C	19th U. S. Inf'y	24.00	Heart disease.
Jan. 24	300	Curley, Thomas	C	28th Mass,	17.00	Disease of lungs.
Jan. 27	301	Stockwell, Henry B.	I	11th Iowa	24.00	Rheumatism, heart disease.
Feb. 24	302	Harris, James	K	9th Mass	17.00	Heart disease.
Mar. 5	303	Richmond, Albert G.	C	67th N. Y	24.00	Gunshot wound right thigh.
Mar. 10	304	Weber, Albert	C	9th Wis	24.00	Gunshot wound left arm.
Mar. 17	305	Nolan, Thomas	....	U. S. Navy	30.00	Loss right hand.
Mar. 24	306	Phillips, Howard S	H	3d U. S. Inf'y	17.00	Curvature of spine.
Mar. 27	307	Delano Joel M	F	51st Ind	24.00	Atrophy of optic.
Apr. 2	308	O'Connell, Redmond	A	1st Maine	30.00	Gunshot wound left forearm.
Apr. 20	309	Jones, Richard	I	5th Conn	30.00	Gunshot wound left arm.
May 9	310	Harwood, John	I	19th N. Y. Cav'y	25.00	Deafness, general debility.
May 18	311	Austin, William A	A	1st Tenn	24.00	Shell wound left leg.
June 6	312	Penney, Richard	....	U. S. Vols	20.00	Disease urinary organs, stricture.
June 27	313	Smith, George	A	14th Conn	36.00	Loss right leg.
June 30	314	Sterrett, James	C	119th Pa	30.00	Loss left leg.
July 12	315	Byron, John W	....	Lt. Col. 88th N. Y	22.50	Shell wound head and leg, fractured arm.
July 18	316	McNally, Anthony	F	61st Pa.	17.00	Chronic rheumatism.
July 25	317	Wilkinson, John C	C	85th Pa	30.00	Deafness.
Aug. 10	318	Gawthorne, Joseph	K	7th Ky. Cav'y	17.00	Injury right knee-joint.
Sept. 9	319	Ebb, Alexander	A	30th U. S. C. T	45.00	Loss left arm.
Sept. 9	320	Hiltz, John W	C	23d Ohio	30.00	Loss right leg.
Sept. 24	321	Magnuson, Israel	E	26th Ind	45.00	Loss right arm.
Oct. 7	322	Fairfield, Joseph B	E	1st Ohio Lt. Art'y	30.00	Rheumatism, spinal disease.
Oct. 17	323	Treadwell, Franklin	F	7th N. Y. H. Art'y	17.00	Chronic rheumatism.
Oct. 28	324	Thompson, George	E	34th N. J	17.00	Gunshot wound left arm.
Nov. 9	325	McGrath, Daniel	H	21st U. S. Inf'y	45.00	Loss left arm.
Nov. 26	326	Mooney, Patrick	G	95th N Y	24.00	Gunshot wound hip.
Dec. 16	327	Sullivan, Dennis	C	10th U. S. Inf'y	20.00	Rheumatism, deafness.
Dec. 20	328	Colgan, James	K	79th N. Y	36.00	Gunshot wound right arm.
Dec. 23	329	Doyle, Patrick	K	3d Del	45.00	Loss right arm.
1882.						
Jan. 5	330	Maurer, Rudolph	E	3d N. J. Cav'y	30.00	Hernia.
Jan. 28	331	Grosskopff, Edward	....	10th Ohio Batt'y	25.00	Partial deafness and blindness.
Feb. 11	332	Kelly, Timothy	F	20th Ohio	30.00	Shell wound left leg; gunshot wound right wrist.
Feb. 20	333	Hesson, John	C	81st Pa	45.00	Loss left arm.
Mar. 6	334	Pearson, Thomas J	A	100th N. Y	17.00	Piles; catarrh; rheumatism.
Apr. 6	335	Fuchs, William	I	73d Pa	24.00	Ulcer left leg.
Apr. 10	336	Davis, Robert H	E	57th N. Y	24.00	Gunshot wound left hand.
Apr. 16	337	Healy, James	G	16th N. Y	24.00	Gunshot wound right hand.
Apr. 17	338	Shaiger, Francis	B	1st R. I. Art'y	30.00	Loss left leg.
Apr. 24	339	Davis, James	B	88th N. Y	45.00	Loss right leg.
Apr. 25	340	Northy, George A	E	39th Mass	24.00	Gunshot wound left knee.
Apr. 26	341	Totten, James	D	11th N. J	24.00	Injury left hip.
Apr. 26	342	Davis, William	....	U. S. Navy	30.00	Chronic rheumatism.
May 17	343	Crawford, John D	C	1st Md	30.00	Gunshot wound left foot.
May 19	344	Sherwood, James L	C	11th N. Y. Cav'y	30.00	Irritable bladder; rheumatism.
June 8	345	Divinay, Patrick	B	170th N. Y	30.00	Loss right leg.
June 23	346	Hobart, Henry M	B	25th Conn	18.00	Hernia.
June 28	347	McGuire, Thomas	H	5th Conn	24.00	Fistula in ano.
July 6	348	Lichtenfels, Leopold	D	1st N. Y. Lt. Art'y	17.00	Chronic rheumatism.
July 7	349	Shields, John	D	66th N. Y	18.00	Gunshot wound left wrist.
July 11	350	Daley, John	M	5th U. S. Art'y	17.00	Chronic rheumatism.
July 19	351	McMonigal, Neil	F	69th Pa	30.00	Gunshot wound foot.
July 21	352	Moran, John	D	38th Ill	17.00	Gunshot wound right hip and left leg.
Aug. 12	353	Lyon, Peter R	C	67th N. Y	22.00	Deafness.
Aug. 16	354	Wittel, Jacob	B	2d Pa. H. Art'y	24.00	Rheumatism; loss right eye.
Aug. 19	355	Martin, John	C	34th Mass	30.00	Gunshot wound right thigh.
Aug. 22	356	Glatzel, P. Paul	E	26th Wis	30.00	Loss left foot.
Sept. 20	357	Deering, Peter	H	6th N. H	30.00	Gunshot wound foot.
Oct. 17	358	Savage, Jonas M. C	B	97th Pa	20.00	Gunshot wound body.
Oct. 24	359	Atkins, Benjamin	K	1st Mo. Art'y	17.00	Double inguinal hernia.

List of members of the National Home for Disabled Volunteer Soldiers who receive more than $16 per month pension, etc.—Continued.

Date.	No.	Name.	Co.	Regiment.	Rate.	Reason for admission.
1882.						
Nov. 1	360	Brownell, David	E	24th Wis	$30.00	Chronic diarrhea.
Nov. 3	361	Miller, Conrad	C	162d N. Y	30.00	Loss left eye.
Nov. 7	362	David, Daniel R	G	5th Ohio Cav'y	17.00	Piles; injury right hand.
Nov. 18	363	Mantz, Jacob	H	32d Ind	17.00	Gunshot wound face; hernia.
Nov. 24	364	Armbrold, Mox	A	27th Pa	24.00	Heart disease.
Dec. 13	365	Hawley, George S	E	23d U. S. C. T	50.00	Gunshot wound face; rheumatism.
Dec. 25	366	Dee, Michael	F	13th N. Y	24.00	Gunshot wound head.
Dec. 25	367	Kellen, George E	M	5th Kan. Cav'y	20.00	Deafness; piles.
Dec. 29	368	Gallcher, Thomas	F	165th N. Y	24.00	Gunshot wound left leg.
Dec. 30	369	Cure, Martin W	A	20th Ky	22.00	Double vision; vertigo.
1883.						
Jan. 8	370	Larkin, Philip	C	48th N. Y	30.00	Loss right leg.
Jan. 11	371	Brooks, Michael	D	5th N. H	30.00	Disease of eyes.
Jan. 13	372	Healy, James	D	2d W. Va	24.00	Disease of lungs.
Jan. 27	373	Miller, Samuel	H	11th Pa	24.00	Gunshot wound spine.
Feb. 3	374	Lee, William	A	93d Pa	30.00	Gunshot wound left arm.
Feb. 19	375	Fitzgerald, Robert D.	D	155th N Y	30.00	Do.
Mar. 9	376	Reynolds, Thomas	G	104th Pa	30.00	Rheumatism.
Mar. 15	377	Campbell, Alexander	D	95th Pa	36.00	Loss right arm.
Mar. 17	378	Pfaff, John	B	20th Ind	18.00	Gunshot wound right foot.
Mar. 28	379	Neil, Isaac	D	133d N. Y	24.00	Varicose veins.
Mar. 31	380	Wolf, George	C	5th Md	24.00	Hernia; piles.
Apr. 15	381	Shannon, John	B	5th Mich	30.00	Disease of eyes.
Apr. 16	382	Devine, James	B	91st Pa	24.00	Injury right leg.
May 13	383	Porter, James R	....	135th Pa	50.00	Hernia, deafness right ear.
May 30	384	Murray, Samuel	K	82d N. Y	30.00	Paralysis.
June 9	385	Keer, Michael	D	7th R. I	24.00	Gunshot wound, right hand.
June 21	386	Crawford, John	B	198th Pa	17.00	Gunshot wound, arm.
June 24	387	Montgomery, Isaac	E	81st Pa	24.00	Loss left leg.
June 25	388	Reich, Max	H	9th U. S. Inf'y	25.00	Deaf, left ear, partly deaf right.
June 29	389	McGann, Michael	F	156th N. Y	24.00	Gunshot wound, right shoulder.
July 4	390	Singleton, Thomas	....	Com. sg't 79th N. Y.	24.00	Rheumatism.
July 9	391	Wadas, Anton	B	15th N. Y. H. Art'y.	17.00	Gunshot wound, right leg.
July 12	392	Kennedy, John	B	1st Pa	36.00	Loss right leg.
July 21	393	Campbell, Samuel F	G	47th Ohio	17.00	Gunshot wound, left forearm.
July 26	394	Leonard, Thomas	K	15th Ky	36.00	Loss left arm.
Aug. 1	395	Kerr, Hugh	L	13th Pa	24.00	Gunshot wound, right shoulder.
Aug. 18	396	Hewitt, William J	C	91st Pa	22.00	Gunshot wound head.
Aug. 22	397	Moore, Joseph T	G	26th Ohio	17.00	Gunshot wound left breast.
Sept. 6	398	Frazier, Leonidas	B	13th Ind	45.00	Loss left arm.
Sept. 26	399	Beebe, Aaron	H	10th Conn	30.00	Epilepsy.
Oct. 3	400	Welch, Patrick	C	124th Ohio	17.00	Varicose veins, ulcer of leg.
Oct. 9	401	Judd, William H	A	31st Mo	20.00	Gunshot wound body.
Oct. 10	402	Hauseman, Jacob R	E	27th Pa	17.00	Gunshot wound head.
Oct. 17	403	Steinman, Matt C	M	67th Pa	24.00	Gunshot wound right ankle and knee joint.
Oct. 18	404	Burd, William	G	82d Pa	30.00	Loss left arm.
Oct. 25	405	Allen, Lyman S	D	100th N. Y	24.00	Gunshot wound face.
Oct. 27	406	Culin, Daniel	C	183d Pa	17.00	Gunshot wound right wrist.
Nov. 4	407	Haspell, Frederick	B	39th Ill	36.00	Loss left leg.
Nov. 7	408	Miles, William	A	9th N. J	20.00	Heart disease and nervous exhaustion.
Dec. 15	409	Hoesle, Henry	F	107th Ohio	17.00	Heart disease.
Dec. 15	410	Engel, Moritz	B	12th Ill. Cav'y	24.00	Heart disease and disease of lungs.
Dec. 29	411	Cherry, Charles	E	25th Ohio	30.00	Epilepsy; paralysis of bladder.
Dec. 30	412	Richey, David	B	4th Pa	30.00	Loss left arm.
Dec. 31	413	Farrell, Frank	C	59th Mass	17.00	Gunshot wound head.
1884.						
Jan. 1	414	Stewart, James	K	1st Md	30.00	Gunshot wound right leg.
Jan. 1	415	Carnal, Scott	K	79th U. S. C. T	45.00	Loss left leg.
Jan. 3	416	Blake (alias Ballon), E. G.	K	2d Vt	20.00	Gunshot wound left breast.
Jan. 3	417	Kane, Thomas	H	95th Pa	17.00	Gunshot wound left leg.
Jan. 4	418	Knoblock, Frederick	C	11th Conn	17.00	Loss right eye.
Jan. 12	419	Butler, Erastus D	E	13th Vt	36.00	Gunshot wound left groin.
Jan. 16	420	Marshall, Maurice F	B	5th N. J	24.00	Rheumatism.
Jan. 26	421	Kiss, Anthony	....	3d Batt'y N. J. L. Arty.	30.00	Fractured right arm; blind right eye.
Mar. 22	422	Geyer, John	K	7th Ohio Cav'y	17.00	Varicose veins left leg.
Apr. 8	423	McFadden, William	I	4th N. Y	30.00	Gunshot wound neck.
Apr. 12	424	Carroll, Martin	H	2d Ky	17.00	Disease of eyes.
Apr. 15	425	Johnson, Ogden	I	139th N. Y	30.00	Gunshot wound left arm.

List of members of the National Home for Disabled Volunteer Soldiers who receive more than $16 per month pension, etc.—Continued.

Date.	No.	Name.	Co.	Regiment.	Rate.	Reason for admission.
1884.						
Apr. 15	426	James, David	G	114th Pa	$17.00	Gunshot wound head.
Apr. 26	427	Emlaw, Isaac	C	10th Mich. Cav'y	30.00	Injury left leg—fall of horse.
May 3	428	Stanley, James	B	18th Ohio	25.00	Injury right knee—rheumatism.
May 3	429	Cox, David	B	18th Ind	24.00	Gunshot wound right hip; fractured left hip.
May 5	430	Furey, Thomas	A	82d Pa	24.00	Gunshot wound head.
May 10	431	Plannett, Adam	B	12th Mass	24.00	Loss left eye; heart disease.
May 19	432	Scherer, Hieronemus	D	16th Ill. Cav'y	30.00	Disease right leg.
June 4	433	Bohl, Edward	F	7th U. S. Int'y	24.00	Gunshot wound face.
June 10	434	Calhoun, William H	F	11th N. J	24.00	Gunshot wound head.
June 14	435	Castner, John W	C	110th Pa	17.00	Gunshot wound left chest.
June 14	436	Donnelly, Tobias	L	13th N. Y. H. Art'y	24.00	Bronchitis.
June 24	437	Hamill, Thomas	F	57th N. Y	24.00	Gunshot wound head.
June 25	438	Lefevre, John	H	28th Pa	24.00	Gunshot wound right arm.
June 25	439	Heary, Philip	D	1st N. J	24.00	Gunshot wound wrist.
June 26	440	Moran, Thomas	C	111th N. Y	30.00	Rheumatism.
June 26	441	Middlebrooks, William J.	D	43d N. Y	45.00	Loss left arm.
June 27	442	Howe, John	B	4th N. Y	25.00	Gunshot wound, face.
July 1	443	Geiger, Andrew	A	2d Pa. H. Art'y	22.00	Deafness, rheumatism.
July 3	444	Landon, John	B	32d Mass	30.00	Gunshot wound, left arm.
July 9	445	Leary, Joseph	B	81st N. Y	24.00	Gunshot wound, thigh; epilepsy.
July 12	446	Oberer, John	C	15th Mo	30.00	Loss right eye.
July 12	447	Metcalf, Edwin A	I	11th R. I	20.00	Deafness.
July 12	448	Noonan, Dennis	H	48th Mass	24.00	Gunshot wound, head.
July 13	449	Campbell, William	C	69th Pa	36.00	Loss right leg.
July 18	450	Gillespie, William I	A	5th N. Y. Cav'y	24.00	Disease of eyes.
July 19	451	Marshall, Joseph	B	4th Ky	30.00	Loss leg, rheumatism.
July 19	452	Smith, John K	C	6th Ohio	24.00	Heart disease, rheumatism.
July 23	453	Hovey, Charles F	I	34th N. Y	17.00	Hernia.
July 28	454	De Camp, William M.	G	22d Iowa	30.00	Gunshot wound, right arm.
July 29	455	Hummel, Valentine B.	F	20th Pa. Cav'y	20.00	Rheumatism, heart disease.
Aug. 7	456	Gavin, John	L	16th N. Y. Cav'y	72.00	Blindness
Aug. 13	457	Fleming, Michael	I	5th Maine	17.00	Heart disease.
Aug. 16	458	Phillips, John B	K	19th Mass	30.00	Disease left foot, ankle, and leg.
Sept. 16	459	Sahm, Leonard	B	54th Ohio	27.00	Deafness, old age.
Sept. 20	460	Selbel, Casper	G	4th Ky	17.00	Varicose veins.
Sept. 27	461	Eschelman, Benjamin	I	41st Pa	24.00	Injury to spine, shortness left leg.
Sept. 30	462	Doherty, Philip		U. S. Navy	30.00	Loss left foot.
Sept. 30	463	Wingood, Joseph H	D	32d Mass	24.00	Gunshot wound, right arm.
Sept. 30	464	Kerr, Thomas		6th Wis	22.50	Gunshot wounds.
Oct. 11	465	Mount, William P	H	79th Ind	17.00	Rheumatism, disease of heart and kidneys.
Oct. 11	466	Prendergast, James	C	3d N. Y. Lt. Art'y	24.00	Piles, prolapsus of rectum.
Oct. 14	467	Howe, Eugene	A	6th Vt	24.00	Gunshot wound, right elbow.
Oct. 18	468	Walters, John	K	81st N. Y	17.00	Gunshot wound, head; vertigo.
Oct. 21	469	Beck, Michael		U. S. Navy	17.00	Gunshot wound, face.
Oct. 30	470	McGorlick, John	B	169th N. Y	24.00	Injury to shoulder and back
Nov. 13	471	Allman, Eugene	H	72d Pa	30.00	Gunshot wound, left hand.
Nov. 13	472	Butler, William H	H	6th W. Va. Cav'y	72.00	Paralysis.
Nov. 14	473	Lucas, George W	K	11th Mass	17.00	Gunshot wound, head.
Nov. 22	474	Roth, Cornelius	C	73d Pa	30.00	Deafness.
Nov. 24	475	Jones, David	E	41st Ill	18.00	Gunshot wound and varicose veins.
Nov. 29	476	Wilson, Alexander	H	6th N. Cav'y	36.00	Loss right leg.
Dec. 3	477	Stenter, Peter	I	46th N. Y	24.00	Rheumatism.
Dec. 9	478	Hey, Christopher		Bat. A, Pa. Lt. Art'y	25.00	Deafness.
Dec. 10	479	King, John B	B	196th Pa	24.00	Gunshot wound, left leg.
Dec. 15	480	Gubser, Andrew	F	50th Pa	24.00	Fracture right leg.
Dec. 21	481	Randall, George W	H	6th Maine	45.00	Loss right arm.
Dec. 23	482	Hazelton, Henry	K	15th Ind	18.00	Gunshot wound, right knee.
Dec. 23	483	Leathe, Charles B	A	40th Mass	17.00	Gunshot wound, left arm.
1885.						
Jan. 1	484	Nolan, Thomas	F	55th Pa	30.00	Gunshot wound, breast.
Jan. 3	485	Tracy, Alexander	I	9th Mich	30.00	Rheumatism.
Jan. 7	486	Glenn, William	E	187th Pa	45.00	Loss right arm.
Jan. 14	487	Coolidge, Michael	F	20th Mass	25.00	Gunshot wound, head.
Jan. 19	488	Oyler, David H	H	107th Pa	17.00	Rheumatism, heart and kidney disease.
Jan. 22	489	Kelley, Michael	K	15th Mass	24.00	Chronic rheumatism.
Jan. 27	490	Oakman, Winslow S	I	32d Mass	24.00	Sun-stroke.
Feb. 11	491	Hill, David	H	139th Pa	17.00	Injury to right wrist.
Mar. 11	492	Noaker, George	G	147th Pa	24.00	General debility.
Mar. 19	493	Lust, John	H	75th Pa	17.00	Fracture left arm.

List of members of the National Home for Disabled Volunteer Soldiers who receive more than $16 per month pension, etc.—Continued.

Date.	No.	Name.	Co.	Regiment.	Rate.	Reason for admission.
1885.						
Apr. 1	494	Lutzelshwab, Charles	A	11th Ill. Cav'y	$20.00	Injury to head, deafness.
Apr. 18	495	Kramer, George	G	70th Ohio	30.00	Gunshot wound thigh, sabre cut head.
Apr. 27	496	Williams John	....	U. S. Navy	17.00	Abscess right side.
Apr. 29	497	Siples, Andrew	L	2d Pa. H Art'y	25.00	Erysipelas.
Apr. 30	498	Wheelock, John E	K	31st U. S. Inf'y	25.00	Deafness.
May 3	499	Burns, William A	A	14th Ohio	45.00	Loss right leg.
May 4	500	Fulford, John	G	17th Conn	24.00	Chronic diarrhœa.
May 5	501	Loescher, William	E	15th Mo	17.00	Gunshot wound, left leg.
May 6	502	Smith, John	H	116th Pa	30.00	Shell wound, left leg.
May 6	503	Lewis, James	G	19th Wis	30.00	Loss left hand.
May 7	504	Brown, Ephraim	I	18th Wis	24.00	Disease of eyes.
May 9	505	Maguire, William L	G	59th Ohio	24.00	Pneumonia, spinal irritation.
May 13	506	Farr, Andrew J	B	66th Ill	30.00	Chronic rheumatism.
Myy 14	507	Harding, Charles	H	6th Wis	18.00	Gunshot wound, head.
May 16	508	Collins, James	B	28th Mass	17.00	Gunshot wound, right shoulder.
May 20	509	Winterson, James P	F	28th Pa	24.00	Kidney disease.
May 23	510	Harper, William	D	21st Ind	24.00	Phthisis.
May 23	511	Keith, George W	E	7th R. I	36.00	Gunshot wound, right ankle.
June 6	512	Worthington, Thomas	F	106th Ohio	17.00	Asthma, gunshot wound leg, lung disease.
June 6	513	Johns, Daniel	D	14th N. Y	17.00	Rheumatism, heart disease.
June 9	514	Shearer, John C	B	55th Pa	20.00	Gunshot wound, right shoulder.
June 13	515	Hayden, Richard	I	3d R. I. Cav'y	17.00	Gunshot wound, face.
June 20	516	Reese, Daniel	D	157th Pa	30.00	Gunshot wound, right wrist.
June 24	517	Rice, Thomas	G	9th Mass	24.00	Rheumatism.
June 26	518	King, Peter	C	10th N. Y	17.00	Heart disease.
July 1	519	Helfrecht, Wifliam	E	4th Wis. Cav'y	17.00	Gunshot wound, left shoulder.
July 3	520	Curley, Henry J	....	U. S. Navy	30.00	Chronic rheumatism.
July 4	521	Groyn, James	....	Col. 118th Pa	30.00	Gunshot wound, right thigh.
July 11	522	Kaup, Anthony	C	10th Ind. Cav'y	30.00	Varicose ulcer of leg.
July 21	523	Radzinsky, Joseph	C	15th N. Y. H. Art'y	24.00	Gunshot wound, right leg.
July 28	524	Kennedy, James	K	3d Mass	20.00	Do.
Aug. 4	525	Hughes, William	I	27th Pa	30.00	Gunshot wound, right knee.
Aug. 7	526	McCully, John W	A	1st Pa	24.00	Gunshot, groin; diarrhœa rheumatism.
Aug. 7	527	Day, Joseph E	K	27th Ohio	17.00	Gun shot wound, right foot.
Aug. 21	528	McGarvey, William H.	D	1st N. Y. Eng'rs	18.00	Disease of spine.
Aug. 22	529	Crumay, Stephen	I	76th Pa	30.00	Atrophy.
Aug. 29	530	Redfield, Harry C	C	71st Pa	18.00	Heart disease.
Sept. 9	531	Morrison, Joel N	M	15th N. Y. Cav'y	30.00	Fracture, left leg.
Sept. 12	532	Walsh, Michael	A	10th U. S. Inf'y	17.00	Gun shot wound, varicose veins, lung disease.
Sept. 20	533	Fernan, John	K	74th Pa	17.00	Right scrotal hernia.
Sept. 24	534	O'Brien, Jeremiah	K	69th N. Y	30.00	Paralysis.
Oct. 2	535	Culbertson, Joseph	F	29th Pa	22.00	Chronic diarrhea.
Oct. 3	536	Delfield, John	G	173d N. Y	17.00	Gunshot wound, right shoulder
Oct. 17	537	Dresser, Simon B	I	6th Kan. Cav'y	24300	Left scrotal hernia.
Oct. 24	538	Saupp, Victor	I	40th Ohio	20.00	Rheumatism, neuralgia, malnutrition
Oct. 25	539	Friend, Jacob	E	155th Pa	30.00	Gunshot wound, left arm and head.
Oct. 25	540	Milde, Charles	G	14th Ill	17.00	Gunshot wound, face.
Oct. 27	541	Ripp, Philip	G	2d Md	17.00	Hernia.
Nov. 1	542	McLaughlin, John	C	42d N. Y	17.00	Paralysis.
Nov. 4	543	Potts, John	A	12th R. I	17.00	Gunshot wound, side.
Nov. 24	544	Greenwood, George	....	U. S. Navy	24.00	Epilepsy.
Dec. 27	545	Quilty, Patrick	E / K	36th N. Y / 13th U. S. Inf'y	24.00	Gunshot wound, breast.
Dec. 28	546	Mulheran, Michael	E	52d N. Y	24.00	Gunshot wound, left leg.
1886.						
Jan. 11	547	Mohr, Charles	C	15th N. J	45.00	Loss of arm.
Jan. 11	548	Schmidt, Carl	....	Maj. 32d Ind	17.00	Sciatic rheumatism.
Mch. 3	549	Phelan, Thomas	A	73d N. Y	30.00	Gunshot wound, left thigh.
Mch. 12	550	Fitzgerald, John	F	19th Mass	22.00	Partial loss of sight.
Mch. 15	551	Yoders, James	D	85th Pa	30.00	Disease of lungs.
Mch. 20	552	Sullivan, Timothy	B	178th Ohio	22.00	Catarrh, deafness.
Mch. 20	553	Young, Charles	I	23d U. S. Inf'y	18.00	Gunshot wound right hand.
Apr. 2	554	Donnelly, James	D	20th Mass	30.00	Gunshot wound right arm.
Apr. 7	555	Connolly, Michael	G	32d Ill	24.00	Gunshot wound left shoulder.
Apr. 10	556	Quigley, James	K	1st Ohio Art'y	17.00	Injury hip and spine; hydrocele.
Apr. 13	557	Jacknish, Gregor	K	16th Wis	18.00	Injury right side.
Apr. 15	558	Peck, William	A	37th Mass	17.00	Chronic diarrhea.

List of members of the National Home for Disabled Volunteer Soldiers who receive more than $16 per month pension, etc.—Continued.

Date.	No.	Name.	Co.	Regiment.	Rate.	Reason for admission.
1886.						
Apr. 28	559	Renchin, Frank	D	12th Iowa	17.00	Gunshot wound right thigh.
Apr. 28	560	Rollins, Henry J	H	11th N. Y. Cav'y	25.00	Rheumatism.
May 2	561	Primrose, James M	C	146th N. Y	18.00	Gunshot wound left shoulder.
May 6	562	Smith, William	D	20th Pa. Cav'y	36.06	Gunshot wound left arm.
May 17	563	Russell, John	I	111th Ill	17.00	Wound in ankle.
May 21	564	Beckett, Edward	....	U. S. Navy	24.00	Asthma; heart disease.
May 26	565	Colbert, Edward	F	7th Kan. Cav'y	22.00	Deafness; falling of intestines.
June 8	566	Dorsey, Edward	C	1st U. S. C. T	36.00	Gunshot wound left arm.
June 9	567	Gilligan, Michael C	....	63d N. Y	17.00	Chronic bronchitis.
June 11	568	Canary, Timothy	C	16th Wis	24.00	Disease of eyes.
June 11	569	Pietzuch, Joseph	I	32d Ind	24.00	General debility.
June 11	570	Haskins, Hugh	G	3d Pa	20.00	Gunshot wound right arm.
June 23	571	Blinn, John H	E	72d Ohio	20.00	Hernia; urinal fistula.
June 23	572	Eastman, Nelson W	H	2d Mo. Cav'y	24.00	Disease of eyes; diarrhea.
June 23	573	Moore, Leander	F	1st Wis	24.00	Chronic diarrhea.
June 26	574	Miller, Francis P	F	15th Ohio	17.00	Varicose veins.
June 27	575	Crumley, James W	C	74th N. Y	24.00	Gunshot wound in body.
July 1	576	Steese, James	G	4th Ohio	30.00	Loss of leg.
July 1	577	White, John	D	3d Md.	24.00	Gunshot wound left arm.
July 4	578	Anderson, Frederick	D	4th U. S. Art'y	18.00	Gunshot wound left jaw.
July 6	579	Traynor, Francis	F	102d N. Y	18.00	Gunshot wound right side; loss right arm.
July 13	580	Coffey, John	E	17th Mass	24.00	Disease of eyes.
July 14	581	Deinzer, Earhart	H	22d Ohio	17.00	Varicose veins; ulcer right leg.
July 14	582	Hylent, Morris	D	26th Pa	30.00	Heart disease.
July 15	583	Myers, George R	....	18th N. Y. Cav'y	30.00	Chronic rheumatism.
July 15	584	York, Otis	G	61st N. Y	24.00	Gunshot wound right arm.
July 17	585	McGowen, John	D	77th Ill	24.00	Chronic rheumatism; ulcer of leg.
July 17	586	McGowan, Edward	K	28th Mass	45.00	Loss right arm.
July 19	587	Adams, Enoch G	D	1st U. S. Inf'y	24.00	Gunshot wound neck.
July 19	588	Pierce, Josiah P	D	2d Del	17.00	Gunshot wound right hand.
July 22	589	Hartman, Charles	E G	14th U. S. Inf'y	24.00	Chronic rheumatism.
July 29	590	Smith, George	E	55th Pa	24.00	Gunshot wound left arm.
Aug. 10	591	Mayne, Thomas G	L	11th Vt	24.00	Gunshot wound neck.
Aug. 16	592	Marr, Michael	L	14th N. Y. Cav'y	24.00	Shell-wound left leg.
Aug. 25	593	Amburg, William	B	42d Ill	30.00	Gunshot wound left hand.
Aug. 28	594	Chase, Abel S	....	24th Ind. Batt'y	18.00	Disease of eyes.
Sept. 3	595	Shortlidge, Allen	G	1st Del	20.00	Gunshot wound right thigh.
Sept. 7	596	Osterhoff, Sherman	K	5th U. S. Inf'y	30.00	Loss right leg.
Sept. 8	597	Kunzman, Charles	G	29th N. Y	24.00	Hernia.
Sept. 16	598	Heil, John	G	1st Mo. Lt. Art'y	22.00	Rheumatism.
Sept. 18	599	Knapp, Lyman M	....	U. S. Navy	24.00	Prolapsus rectum; nervous prostration.
Sept. 21	600	Green, George W	H	44th Ohio	20.00	Deafness.
Oct. 1	601	Ernst, Christopher	E	27th Pa	24.00	Gunshot wound left shoulder.
Oct. 26	602	Bonner, Charles	C	10th N. H	25.00	Deafness.
Oct. 29	603	Kaler, Frederick	F	1st Kan	17.00	Diarrhoea; varicose veins.
Nov. 1	604	Utz, William	....	13th Ind. Batt'y N. Y. L. Art'y	30.00	Rheumatism.
Nov. 1	605	Ryan, Martin	H	95th N. Y	30.00	Gunshot wound left hand; shell wound face.
Nov. 2	606	Lechler, John	B	82d Pa	24.00	Gunshot wound breast.
Nov. 13	607	Curtis, Marcus A	H	18th Mich	30.00	Varicocele; impaired right lung.
Nov. 25	608	Book, George H	....	82d Pa	30.00	Injury to spine.
Dec. 2	609	Lepere, Frederick	G	47th Ohio	25.00	Muscular rheumatism; deafness.
Dec. 7	610	Cole, Frank M	G	40th Wis	24.00	Hemiplegia.
Dec. 9	611	Longfellow, Stephen	H	20th Mass	24.00	Gunshot wound left thigh.
Dec. 16 1887.	612	Kelly, James	I	7th Ill	17.00	Gunshot wound head.
Jan. 2	613	Collins, Henry	B	116th Pa	24.00	Chronic rheumatism.
Jan. 7	614	Parcell, James	I	116th N. Y	30.00	Gunshot wound right leg.
Jan. 14	615	Rosenmeier, Frederick	....	6th Batt'y Ind. L. Art'y.	20.00	Injury to back; deafness.
Jan. 29	616	Boutelle, George D	A	2d N. Y	30.00	Chronic rheumatism.
Feb. 6	617	Devlin, Joseph	....	U. S. Navy	30.00	Fracture both knees.
Feb. 14	618	Snyder, Stephen	D K	102d N. Y. 8th N. Y. H. Art'y	24.00	Gunshot wound left leg.
Feb. 28	619	Greb, John	G	5th Md	24.00	Heart disease.
Mar. 1	620	Connors, Michael	A	15th Iowa	24.00	Rheumatism; varicose veins.
Mar. 12	621	Harrop, Henry	D	1st N. Y. Cav'y	24.00	Heart disease.
Mar. 20	622	Campbell, Joseph A	D	1st N. J	18.00	Disease of bladder.
Mar. 23	623	Richardson, Chancellor L	F	7th Kan	24.00	Abscess right groin.
Mar. 24	624	Williams, Hyson C	I	13th Mo. Cav'y	30.00	Rheumatism.

List of members of the National Home for Disabled Volunteer Soldiers who receive more than $16 per month pension, etc.—Continued.

Date.	No.	Name.	Co.	Regiment.	Rate.	Reason for admission.
1887.						
Mar. 27	625	Hammell, Joseph	H	98th Pa	$30.00	Loss right hand.
Mar. 27	626	Foster, William	D	138th Pa	30.00	Heart disease.
Apr. 5	627	Leasure, Andrew	G	1st Ind, H. Art'y	17.00	Fractured rib right side.
Apr. 6	628	Royal, Jarvis	B	57th Ill	30.00	Gunshot wound, head.
Apr. 7	629	Borcherding, Herman	D	16th Conn	17.00	Chronic rheumatism.
Apr. 10	630	Benham, William H	C	3d N. J	17.00	Gunshot wound chest.
Apr. 12	631	Keppler, Frederick	B	1st U. S. Art'y	22.00	Hernia.
Apr. 12	632	Ford, Christopher	E	18th Conn	17.00	Heart disease.
Apr. 13	633	Uhler, William J	C	32d Pa	20.00	Cardiac.
Apr. 13	634	McMurtry, James	K	3d Mo. Cav'y	20.00	Injury to left knee.
Apr. 27	635	Southward, William	G	17th Wis	20.00	Lumbago; rheumatism.
May 3	636	Baldwin, Leroy E		30th U. S. T	17.00	Malaria.
May 7	637	Murphy, John J	G	82d Pa	18.00	Gunshot wound head; loss right eye.
May 7	638	Matteson, David	B	154th N. Y	17.00	Varicose veins.
May 12	639	Gibson, Charles H	D	20th Conn	17.00	Gunshot wound left breast.
May 12	640	Farrell, James	A	45th Ill	25.00	Rheumatism.
May 12	641	Gray, Levi O	A	9th Ill. Cav'y	20.00	Locomotor ataxia.
May 24	642	Garlow, Stephen F	A	56th Pa	24.00	Heart disease.
June 12	643	Wekbacher, Valentine.	K	35th Wis	72.00	Total blindness.
June 21	644	Latham, Charles S		U. S. Navy	24.00	Chronic rheumatism.
June 25	645	Hobson, William	D	39th Ohio	18.00	Injury right wrist; blind left eye.
June 25	646	McNichols, George	D	1st Pa. Art'y	24.00	Hernia.
June 27	647	McNamara, Matthew	I	91st Pa	17.00	Do.
June 29	648	Snyder, Ellis D	I	21st Pa. Cav'y	17.00	Bronchitis; heart disease.
July 11	649	Smith, William	K	3d Del	25.00	Deafness from typhoid fever.
July 12	650	Haven, Francis (alias Franklin M.).	F H	12th Ky. Cav'y 17th Ky	17.00	Gunshot wound, loss right eye.
July 15	651	Ford, Isaac W	B	11th Pa. Cav'y	24.00	Paralysis.
July 21	652	McVey, John	B	6th N. Y. Cav'y	24.00	Malaria.
July 23	653	Clarkson, Anselm J	A	53d Ky	30.00	Rheumatism; locomotor ataxia.
July 23	654	Dicks, William M		3d Batt'y Ind. L. Art'y.	25.00	Deafness; lumbago; general debility.
July 24	655	Killberg, Henry F		U. S. Navy	32.00	Hernia.
Aug. 9	656	Fieck, Jacob	F	15th N. Y. H. Art'y.	30.00	Rheumatism; heart disease.
Aug. 22	657	Creighton, Hugh T	A	1st N. Y. Cav y	24.00	Gunshot wound jaw.
Aug. 24	658	Beerbower, Sylvester D.	B	49th Pa	30.00	Injury right leg.
Aug. 28	659	Smith, John	B	103d N. Y	27.00	General debility.
Sept. 14	660	Newman, William A	D	7th W. Va	24.00	Gunshot wound face and shoulder.
Sept. 14	661	Heazlitt, John C	A	147th Pa	30.00	Hernia.
Sept. 27	662	Babcock, Peter J	B	38th Pa	24.00	Gunshot wound jaw.
Sept. 28	663	Merkle, Charles	K	1st N. J	24.00	Shell wound head.
1887.						
Sept. 29	664	Brown, William F	G	54th Pa	30.00	Gunshot wound chest.
Oct. 2	665	McDonough, John		U. S. Navy	17.00	Gunshot wound right leg, deafness.
Oct. 3	666	Kitzenstein, Louis		do	30.00	Loss two fingers left hand.
Oct. 9	667	Loomis, Francis S	D	6th N. Y. Cav'y	30.00	Heart disease.
Oct. 15	668	Golden, John C	G	116th Ohio	20.00	Edema of legs.
Oct. 24	669	Breth, Charles	D	2d N. Y. Cav'y	27.00	Deafness and blindness.
Oct. 27	670	Johnson, James W	D	46th Ill	18.00	Chronic diarrhea.
Nov. 10	671	Fringo, Godfrey	C	29th Pa	24.00	Gunshot wound left hip.
Nov. 11	672	Murray, James	C	9th Mass	17.00	Gunshot wound face.
Nov. 12	673	McGrath, Declar	H	5th U. S. Art'y	30.00	Disease of eyes, piles.
Nov. 15	674	Humphrey, Dennis	H	11th Ill	22.00	Deafness both ears.
Nov. 15	675	Ford, John N	E	36th Wis	24.00	Saber cut right wrist.
Nov. 17	676	Geusher, Charles	G	146th N. Y	17.00	Gunshot wound left hand.
Dec. 3	677	Farley, John	G	1st N. M. Cav'y	17.00	Catarrh, conjunctivitis, rheumatism.
Dec. 14	678	Minehan, Morris	B	63d Ind	24.00	Disease of lungs.
Dec. 20	679	Hankinson, Joseph H.	A	11th Ind	24.00	Ulcer right leg.
1888.						
Jan. 1	680	Smith, Frank	M	20th N. Y. Cav'y	27.00	Deafness.
Jan. 13	681	Muller, Ernest G	C	6th Ky	24.00	Partial blindness.
Feb. 11	682	Killmartin, John	I	54th Ohio	24.00	Gunshot wound left leg.
Feb. 23	683	Showe, Uzziah	B	118th Ohio	24.00	Chronic bronchitis.
Feb. 24	684	West, James F	F	12th Conn	24.00	Gunshot wound left shoulder and left leg.
Mar. 3	685	Parker, Richard L	E	152d Ohio	24.00	Chronic bronchitis.
Mar. 14	686	Rutherford, William		Ord. Sgt. U. S. A	20.00	Lung disease, deafness.
Mar. 16	687	Bird, Washington	H	178th Ohio	30.00	Asthma.
May 1	688	Hayes, Michael		U. S. Navy	18.50	Injury right shoulder.
May 1	689	Flart, John	F	3d U. S. Cav'y	22.00	Deafness.
May 1	690	Duffy, John	C	32d Mass	27.00	Hernia.
May 1	691	Montgomery, James	E	3d U. S. Cav'y	17.00	Gunshot wound left ankle.
May 8	692	Jacobson, Julius	C	28th Wis	24.00	Chronic diarrhea.

List of members of the National Home for Disabled Volunteer Soldiers who receive more than $16 per month pension, etc.—Continued.

Date.	No.	Name.	Co.	Regiment.	Rate.	Reason for admission.
1868.						
May 8	693	Wood, Sidney	G	121st Ohio	$30.00	Gunshot wound right arm.
May 15	694	Galbreth, Robert	E	3d U. S. Inf'y	24.00	Gunshot wound head.
May 22	695	Henry, Joseph P	K	18th Mo	17.00	Rheumatism, general debility.
May 23	696	Glaney, Owen L	C	53d Ill	22.00	Deafness, hernia.
May 29	697	Pollock, Robert	D	14th Pa. Cav'y	20.00	Paralysis.
May 30	698	Bacon, Lewis C	F	72d Pa. Inf	17.00	Gunshot wound head.
June 5	699	Roxberry, Thomas	L	198th Pa	24.00	Gunshot wound right wrist.
June 8	700	Batterson, William H.	G	1st Conn	24.00	Arcticularis, rheumatism and atrophy.
June 12	701	Lemmond, George		U. S. Marine Corps	24.00	Heart disease.
June 18	702	Geizler, John	F	185th Ohio	30.00	Chronic rheumatism, heart disease.
June 19	703	Carberry, John L		U. S. Navy	17.00	Rheumatism.
June 22	704	Didra, Christian	M	1st Minn. Art'y	17.00	Rheumatism and heart disease.
June 26	705	Kelley, Michael	A	1st La. Cav'y	24.00	Gunshot wound right ankle.
June 27	706	Ryan, John	H	65th N. Y	24.00	Gunshot wound left hand.
July 11	707	Riley, Michael	G	12th Maine	30.00	Asthma.
July 11	708	Crowley, Charles		U. S. Navy	24.00	Do.
July 12	709	McConnell, David	K	182d N. Y	18.00	Disease of head.
July 12	710	Tweddle, William	K	10th Ky	20.00	Lumbago.
July 13	711	Peterson, Henry W	H	43d Ill	30.00	Rheumatism.
July 19	712	Wevill, Richard H		Surg. U. S. Vols	25.00	General debility.
July 19	713	Kelly, Robert J	K	88th N. Y	17.00	Gunshot wound left ankle.
July 23	714	Hexamer, Carl	G	22d U. S. Inf'y	17.00	Hernia.
July 24	715	O'Connell, Jeffrey	H	43d N. Y	17.00	Gunshot wound left arm, and asthma.
July 27	716	Cowperthwaite, Sam'l F.		62d N. Y	17.00	Paralysis.
Aug. 7	717	McKenna, Patrick		U. S. Navy	30.00	Bronchitis, asthma.
Aug. 13	718	Pillow, Thomas	D	22d U. S. Inf'y	30.00	Disease of lungs.
Aug. 13	719	Meyer, Louis	G	95th N. Y	18.00	Gunshot wound neck, hernia.
Sept. 2	720	Henry, James	G	26th U. S. C. T	24.00	Paralysis.
Sept. 11	721	Brennan, Dominick C		24th Pa	17.00	Injury to head.
Sept. 13	722	Spouder, George D	C	1st Md. Cav'y	24.00	Disease of eyes.
Sept. 19	723	Lockman, Amos W	A	6th Ind	30.00	Chronic rheumatism.
Sept. 19	724	Gooden, Daniel J		16th Ind. Batty Lt. Art'y.	20.00	Cirrhosis of liver, dropsy
Sept. 25	725	Claffey, William	D	1st Mass	36.00	Loss right arm.
Oct. 5	726	Moxley, John D	M	1st Ohio Cav'y	17.00	Injury to ankle, piles.
Oct. 5	727	Mason, Thomas S	D	214th Pa	20.00	Sciatica.
Oct. 22	728	Hendrick, Richard	C	69th N. Y	24.00	Gunshot wound left side.
Oct. 23	729	Smith, George	E	16th Ill	30.00	Gunshot wound right shoulder.
Oct. 26	730	Welch, Patrick H	C	111th N. Y	17.00	Gunshot wound left leg, heart disease.
Oct. 28	731	Herbert, Robert J		U. S. Navy	24.00	Bronchitis.
Oct. 30	732	Butterworth, John, jr.	B	20th Mass	20.00	Piles.
Nov. 3	733	Wiley, Thomas J	D	23d Ohio	30.00	Disease of lungs.
Nov. 7	734	Hoy, John F		6th W. Va	30.00	Heart disease.
Nov. 10	735	Reavey, James (alias Realy).		U. S. Navy	17.00	Varicose veins, piles, cardiac.
Nov. 10	736	Kennedy, Thomas (alias O'Brien).		do	30.00	Chronic rheumatism.
Nov. 21	737	Edwards, George T	C	74th Ind	24.00	Bright's disease, irritation of bladder.
Dec. 2	738	Preston, Thomas	D	8th Ill	17.00	Gunshot wound left hand, disease of head.
Dec. 6	739	O'Brien, Christopher H	I	35th Ind	20.00	Varicose veins, piles, heart disease.
Dec. 28	740	McKinnon, Hugh	D	9th Maine	20.00	Rheumatism, general debility, old age.
1869.						
Jan. 12	741	Born, John	C	8th Ohio	22.00	Gunshot wound jaw, hand, and thigh.
Jan. 18	742	Callahan, James	A	3d U. S. Cav'y	24.00	Gunshot wound chest.
Feb. 1	743	Rochrig, Casper	C	117th N. Y	24.00	Rheumatism, partly blind, heart trouble.
Feb. 1	744	Blake, Julius D	H	40th Mass	30.00	Left inguinal hernia.
Feb. 1	745	Horan, John	F	1st U. S. Art'y	17.00	Gunshot wound head.
Mar. 14	746	Hanley, Michael	D	85th N. Y	17.00	Gunshot wound right leg.
Mar. 26	747	Parker, Addison A	A	15th Ky	24.00	Rheumatism.
Mar. 26	748	Hicks, Thomas	B	78th N. Y	17.00	Injury to spine.
Mar. 28	749	Howard, Henry R	I	19th Wis	18.00	Gunshot wound, fracture leg bones.
Apr. 3	750	Bloom, Andrew S		7th Ky. Cav'y	25.00	Fistula in ano, weak heart.
Apr. 3	751	Sullivan, Thomas	F	88th Ind	30.00	Lung disease.
Apr. 19	752	McNally, Michael	G	182d N. Y	18.00	Rheumatism, scurvy.
Apr. 24	753	Rood, Amos D	K	7th Wis	30.00	Gunshot wound left shoulder.

List of members of the National Home for Disabled Volunteer Soldiers who receive more than $16 per month pension, etc.—Continued.

Date.	No.	Name.	Co.	Regiment.	Rate.	Reason for admission.
1889.						
May 2	754	Morgan, Michael	H	1st N. Y. Vet. Vol	$18.00	Varicose veins.
May 3	755	Roberts, Henry	K	47th Ill	30.00	Loss left foot.
May 15	756	McFadden, Alexander	....	U. S. Navy	17.00	Shell wound left arm.
May 15	757	Shields, Morris H	B	16th Conn	17.00	Bronchitis.
May 19	758	Keevan, Thomas	I	50th Mass	24.00	Chronic rheumatism.
May 20	759	O'Kane, Simon	C	17th Wis	17.00	Varicose veins left leg.
May 22	760	Flynn, William	...	U. S. Navy	17.00	Gunshot wound right arm.
June 11	761	Paul, Augustus C	....	1st Lt. 3d U. S. Cav'y	17.00	Chronic cystitis.
June 19	762	McGavian, Lineaus	K	2d Ohio	24.00	Loss left eye, asthma, hernia, bronchitis.
June 19	763	Johnson, John	A	21st Pa. Cav'y	30.00	Hernia.
June 21	764	Moore, James B.	D	79th U. S. C. T	18.00	Malaria.
June 27	765	Rossmaessler, Otto	A	39th N. Y	24.00	Rheumatism, heart disease.
June 27	766	Cannon, John M	H	100th Pa	18.00	General debility.
July 1	767	Hager, Michael	A	12th N. Y	17.00	Gunshot wound right side.
July 2	768	Dunn, John	K	58th Ill	24.00	Loss two fingers right hand.
July 8	769	Klurig, Casper	H	5th N. Y	17.00	Partial blindness and deafness.
July 16	770	Bader, Jacob	A	1st Mo. Art'y	17.00	Gunshot wound, loss left eye.
July 16	771	McGrath, Richard	E	19th Wis	24.00	Varicose veins, piles.
July 22	772	Meehan, John	I	1st U. S. Art'y	18.00	Injury to hand, piles.
July 23	773	Hadsell, Marshall D	F	44th Ind	18.00	Deafness.
July 24	774	Meek, Jacob	E	5th Pa. Cav'y	17.00	Loss left eye.
Aug. 5	775	Johnson, James	....	Capt. and A. A. G. Va. and N. C. Vols.	20.00	Paralysis.
Aug. 6	776	Brown, Louis	L	2d N. J	25.00	Disease of throat.
Aug. 16	777	DeTour, Morris W	G	2d Mo. Cav'y	24.00	Vericose veins both legs.
Aug. 24	778	Reed, George H	C	9th Pa	24.00	Gunshot wound face.
Aug. 27	779	West, Benjamin F	D	151st N. Y	17.00	Gunshot wound left leg.
Sept. 18	780	Brown, William C	K	141st Pa	36.00	Gunshot wound right leg.
Sept. 26	781	House, James H	K	20th Wis	25.00	Deafness.
Oct. 1	782	Nevin, Robert	L	3d R. I. H. Art'y	24.00	Sun-stroke.
Oct. 1	783	Duffy, John	I	4th Del	18.00	Gunshot wound face.
Oct. 3	784	Greene, James	...	Ord. Dept U. S. A	22.00	Bronchitis; deafness; piles.
Oct. 12	785	Sinclair, Percy S	E	60th N. Y	24.00	Spinal curvature.
Oct. 24	786	Donaldson, Charles W	C	14th Ind	18.00	Gun-shot wound right shoulder.
Oct. 27	787	Luedolph, Henry	I	26th Wis	24.00	Disease of legs from scurvy
Nov. 1	788	Kindrie, Daniel A	A	86th N. Y	18.00	Disease of eyes and liver.
Nov. 3	789	Laboude, Peter	I	2d Wis	18.00	Gun-shot wound head.
Nov. 22	790	Yerving, Casper	D	11th Wis	24.00	Rheumatism; heart disease.
1890.						
Mar. 27	791	Nowsom, Henry	C	37th U. S. C. T	18.00	Loss toes both feet.
Apr. 5	792	Pierson, John	H	10th Mich	20.00	Irritated bladder; hernia; rheumatism.
Apr. 6	793	Barber, James H	I	1st Del	17.00	Injury left leg and right side.
Apr. 10	794	Perls, Herman	F	103d N. Y	17.00	Hernia.
Apr. 15	795	Bartell, Theodore	I	52d Ohio	24.00	Gunshot wound left shoulder and side.
Apr. 25	796	McBride, James	...	7th Wis. Batt'y	20.00	Right inguinal hernia.
Apr. 29	797	Lampprecht, George	B	94th Ill	17 00	Do.
May 1	798	Diehl, Jacob	....	Ind. Batt'y Ky., Lt. Art'y.	17.00	Deafness; hernia; rheumatism.
May 5	799	Knight, Andrew	A	23d Ky	18.00	Chronic catarrh; deafness.
May 5	800	Lawler, Thomas	A	35th Ind	17.00	Gunshot wound head.
May 7	801	Schenck, William A	B	15th N. J	45.00	Loss left arm.
May 7	802	Tansey, Virlin G	I	125th Ill	18.00	Varicose veins
May 16	803	Lamb, James	H	1st U. S. Art'y	17.00	Gunshot wound right shoulder.
May 20	804	Hart, John H	....	2d Wis	30.00	Rheumatism.
June 7	805	Myers, George E	K	2d Iowa Cav'y	24.00	Epilepsy.
June 19	806	Shannyhan, Daniel	B	3d Mo. Cav'y	17.00	Gunshot wound head.
June 21	807	Rode, Adam	K	47th Ohio	17.00	Chronic diarrhea and rheumatism.
June 21	808	Quinn, Patrick	F	61st Ohio	18.00	Tumor; hernia; rheumatism.
June 22	809	Martin, Patrick	G	62d N. Y	30.00	Gunshot wound left leg.
June 23	810	Snyder, Louis	F	71st Pa	30.00	Loss left foot.
June 27	811	Shipman, Horatio N	C	55th Ohio	20.00	Irritation of spine; heart disease.
June 28	812	Allart, John	G	51st Pa	17.00	General debility.
July 7	813	Frost, John D	F	4th U. S. Art'y	30.00	Gunshot wound head.
July 7	814	Hobzinger, Leonard	F	1st Mich	17.00	Shell wound head.
July 14	815	Sullivan John	K	5th U. S. Art'y	17.00	Cataract left eye.
July 28	816	Hager, Augustus A	K	61st Pa	17.00	Gunshot wound right chest.
July 29	817	Harrover, James R	E	2d D. C	22.00	Bronchitis.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 225.

IN THE SENATE OF THE UNITED STATES.

AUGUST 25, 1890.—Ordered to be printed.

Mr. BATE submitted the following

CONCURRENT RESOLUTION.

Whereas legislation is pending in Congress, in which delay must unavoidably occur, as to the site of the Lafayette statue, involving the question of its being located elsewhere than at the place selected; and whereas the said statue has in the last few days arrived in this country, and will, unless stopped by authority of Congress, be immediately put in position fronting and obstructing the view to the equestrian statue of Andrew Jackson, which by authority of Congress was placed where it now is, fronting Pennsylvania avenue and the Executive Mansion: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the commission or board having charge of the matter of erecting the statue of Lafayette is directed to suspend any further proceedings relating thereto until further authorized by Congress.

C

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 226.

IN THE SENATE OF THE UNITED STATES.

AUGUST 27, 1890.—Presented by Mr. MANDERSON, referred to the Committee on Military Affairs, and ordered to be printed.

PETITION OF DR. MARY E. WALKER, PRAYING COMPENSATION FOR SERVICES DURING THE LATE WAR.

[To accompany S. 4267.]

WASHINGTON, D. C., *August* 25, 1890.

To the Senate and House of Representatives:

Your petitioner, Dr. Mary E. Walker, respectfully represents that the following statement shows the nature of her claim against the Government upon which she bases her petition for the passage of Senate bill 4267. She respectfully prays that this petition and the statement herewith may be referred to the Committee on Military Affairs of the Senate and printed for its use.

MARY E. WALKER, M. D.

STATEMENT.

In 1861, Dr. Mary E. Walker came to Washington, alone, for the purpose of caring professionally for the sick and wounded, feeling her competence in every regard, as she had been in successful practice as a physician and surgeon for five years after her graduation as such. Her first duties were in the Indiana Hospital, which was in the highest story of the Patent Office. The surgeon in charge (Dr. Green) requested her to act as his assistant surgeon, stating that "with a hundred patients, he would sicken and die as his predecessor had done, unless he had an assistant to relieve him a part of the time, in order to allow him to take out-door exercise." He had requested the Surgeon-General to send him an assistant but his answer was that he "had none to send him." Dr. Green sent her with a note to the Surgeon-General, requesting him to appoint her as his assistant surgeon. Her credentials were satisfactory, but he refused to appoint her because she was a woman. She returned to the hospital telling Surgeon Green the result, and that she had appointed herself without compensation. He said he "would give her a part of his salary," which she refused to accept, as he was a man with a family.

The patients were so much pleased with her, and confided so in her skill, that she was invariably sent for whenever they were worse during the night. As there were cases of small-pox in the city, all patients were examined on Ninth street before they were admitted to the hospital. She walked up and down the long flights of stairs leading to the street

on the west side of the building, many times a day in the examination of these cases.

Governors of States, Members of Congress, State agents, and many other people of distinction, visited the hospital and were introduced to her, and her becoming known all over the country through the reports of such people, resulted in a large correspondence, and many States claiming her as a native of their respective States.

Surgeon Williams, at one time Acting Surgeon-General, spoke of Dr. Walker as assisting in a post-mortem in the Patent Office hospital when no other surgeon would render him any assistance for fear of contagion. Surgeon Green gave her written commendations regarding her "intelligence and judiciousness."

So many people had met her, and there was such a variety of imperative matters that were brought to her attention that needed genius and perseverance, and there were so many exigencies that called for the enthusiasm of youth and unbounded patriotism and benevolence, that she naturally got into a wider sphere, as soon as another surgeon was found willing to take her place. She visited various hospitals, seeing their needs and reporting, and righting the wrongs that the medical officers in charge of hospitals could not take the time to report to the proper authorities and explain necessities, and they, being regularly in the service, were unable to do directly and immediately; she assisted in operations where there were not a sufficient number of medical officers; dressed the wounded with other surgeons after battles, etc.

One day while at the city post-office she was handed a number of scraps of paper, many of them not as large as a hand, directed to "Lady Dr. Walker, the soldiers true friend," begging her "to come and see soldiers in Forrest Hall prison, Georgetown, D. C., who had been unjustly arrested and no one to appeal to." Upon her arrival she found six hundred men, who immediately surrounded her with the exclamation, "We are not all deserters, but arrested as such." All wanted a statement of their cases taken, and fearing that time would not admit of a quarter being taken, dozens began to talk at once, but she silenced them, and assured them that she would take every statement before she left, and with genius so controlled them and arranged the classes of cases, that, after six consecutive hours of taking statements, she left the prison amid the cheers of the then happy men, who were assured by her that something would be done without delay.

She went to the War Department with the information that the "deserters were promised to be sent to their regiments if they would go out to the defense of Washington," to which all that were soldiers immediately assented, but when the scare was over they were returned to the prison. She argued that every one should be sent as promised. She explained that soldiers with unhealed wounds, and unexpired leaves of absence in their pockets, were there; that old men who had gone to town with their country wagons had been arrested as deserters, and their horses left tied in the street, while they were rushed away by a detective, who informed them that they could prove themselves clear if they were not deserters; some of the men were too old for military duty. All this done for the sake of the fees offered for the arrest of deserters.

Secretary Stanton directed her to write down briefly the wrongs to be righted, and to suggest the remedy, and directed her to do so then and there. She told the Secretary that such detectives ought to be arrested, as the people of the North would not submit to such outrages.

And they were accordingly arrested, and false arrests stopped. She asked for a judge-advocate with power to give transportation, to send all where they belonged, and he was accordingly appointed. And to be sure that all deserters should be treated properly when they reached their command, the next day she wrote twenty-five letters—one to every corps commander—asking that the promises made here, that "soldiers should be sent to their regiments, with the charge of desertion removed," should be immediately sent to their respective regiments, without question.

She was at Warrenton, in Virginia, when General Burnside decided to move towards Fredericksburgh. She found men with typhoid fever on the floor of a building, without anything for them to rest upon, and the surgeon who had charge of them powerless to do anything for them. He said to her, "If there is anything you can do for these men, for God's sake do something, for they have just been sent from camp, and I am ordered away to-morrow." She found that not one had a towel, or anything to be used as such, and, as the first inclination was to have the sand washed from their faces and necks, she returned to the hotel, where she was paying $3 per day, and immediately tore up her long night dress as substitutes for handkerchiefs, and returned to find there was nothing that could be used for a wash-basin. She hastened to the nearest house, and found, after some difficulty, a two quart tin basin, that she paid a dollar for, promising to leave it the next day where the owner could go and get it.

The people informed her that there had been a Confederate hospital there, and everybody had given everything, even to their vegetable dishes for the surgeons to dress the wounded with, and the woman said that the basin had been lent to them, only with a promise that she should have it returned when they left there, as she would have nothing to wash her vegetables in if it was taken. Dr. Walker suggested that she could wash them in her soup kettle and then wash her kettle out before she started her dinner.

On her return to the sick she distributed her clothes for towels, and watched her nurse, so that a clean basin of water should be used for every man. When all that could be done for them under the conditions existing had been completed, she called on General Burnside, and he dictated an order to his staff officer, Captain Cutting, for "her to go with them to Washington, and that all persons should afford her every facility in caring for the sick from Warrenton to Washington."

The men were put inside and outside of a number of cars, and they started with two engines; but when Warrenton Junction was reached one of the engines and two cars left, leaving three cars with the other engine. The standstill became painful, and finally it was said in Dr. Walker's hearing that the engineer was waiting for orders. She soon found that no one on the train could give any orders but herself, and gracefully filled her position as military conductor of a train of cars. She ordered them to Alexandria, not knowing at the time that they could reach Washington without taking a boat. She again sought the engineer to learn about changing for the boat, and when she learned there was no need of change, ordered the train to Washington. On the way two men died, but she succeeded in getting their names. In one instance the soldier could scarcely speak, but by commencing a name she guessed the rest, and he pressed her hand when she was right. One was from Andover, Ashtabula County, Ohio, but the other she could only get the name and regiment. On their arrival in Washington she gave the names to a professed-to-be Government officer with his promise to report them to the

War Department. She wrote a letter to the parents of the Ohio man, directing it to the deceased soldier with a "please" on the outside of the envelope for "his friends to open the same." Nearly twenty years after that her letter was shown her as the only evidence of the soldier's death, it having been just received in the Pension Office from the soldier's very old father.

After great battles the wives or mothers of some of the soldiers came to Washington in search of their wounded relatives, and soon were unable to pay their hotel bills, and became houseless and hungry perhaps before their friends were found, if living. These women were sent to Dr. Walker by some persons, and, as there was not a place in the city where a woman in distress could get free lodging or food, she took them to her own rooms, camped on the floor herself, until there seemed an imperative necessity for larger accommodations, and she then established a free home for such on Tenth street, opposite the theater where President Lincoln was afterwards assassinated. One week from the time a soldier's wife slept under the evergreens in Jackson square, because, not having a trunk, she could not get lodging; and another soldier's wife gave birth to an infant on the sidewalk at the east front of the United States Treasury. Dr. Mary E. Walker's home for any woman, sick or in financial trouble, was open. She then formed a woman's association, and after having been president, secretary of society, and medical attendant of the home, left the same to be managed by those who could not do greater work. Among those who contributed was Kate Chase, who gave $50, pledged to Dr. Walker before she left.

Dr. Walker wrote for the Northern press information regarding the condition of those in hospitals, both their diagnosis and prognosis, wrote letters for those unable to write home, took disabled soldiers to their homes, pillowed upon her arm, that surgeons in charge of hospitals would not take the responsibility of sending home without a medical attendant.

She learned that no soldiers could get a leave of absence without the signature of his captain and colonel, no matter how much the surgeon in charge of hospitals desired to send patients north to save their lives, and she went to the Secretary of War, Surgeon-General, and Medical Director with her arguments, that, since captains and colonels of regiments were at unknown places at the front, where they could not be reached, that the surgeons in charge of hospitals should be empowered to send special cases on leave without regimental officers' signatures, and that boat-loads of sick and wounded should be sent to cool retreats in the north where their recovery would be hastened and assured. All she demanded was given, and thousand of lives were thus saved, and numbers died at home in the halo of a returned soldier's glory. Dr. Walker's originality and executive genius was of a versatile type that no conditions baffled.

Seeing a large crowd of soldiers around a building she learned that it was an improvised transportation office, where transportation on "leaves of absence" were being given out, for men to go home to vote. She heard complaints that not half would get their transportation on leaves in time to get a train that they must board in order to get home to vote. She heard the officer call out from the window the time the place would be closed until next day, and making her way through the crowd, amidst the cheers of the men, she went in and asked if she could not help them, saying she would stay until midnight if the men could then get away. The officers kindly told her that they were worn out, and must close the place at 4 p. m., until next day. They told her

that the lists of names were such that all were working that could do so to advantage. Without a word she sat down and wrote "transportation ordered" on the blanks, and handed to the ones writing both this and the names, so that they had only the names to write, and for nine consecutive hours she did this, without stopping but once to get some refreshments, and at 2 a. m. the last men got their papers and left on the 3 a. m. train.

While visiting hospitals and assisting in the amputation of an arm, that had only a small flesh wound that was nearly healed, her suppressed sympathy at the cruel outrage, that if she had lisped the faintest protest against, would have precluded her from entering the extensive hospital (with many words) again, not only, but perhaps all hospitals, kept her silent. But she resolved to prevent such outrages in other cases where there was not the slightest necessity for amputation. Soldiers would frequently tell her "that their ward doctor said that a limb would have to be amputated, and appeal to her to know if it could not be saved, as they would rather die than be a cripple." She would swear them not to mention what she said, and then tell them to declare they would not loose limbs, and if the doctors were determined to amputate, to use all the words outside of the dictionary—promising to shoot them if they recovered, as their limbs were their own, and they would not be compelled to lose them against their will.

She did not consider that professional etiquette was called for, in the face of wicked cruelty and criminality. Where an officer was in the case, stopping at a private house, she could give her opinion openly. She recollects Captain Elliott, a florist, residing at Pittsburgh, Pa., who informed her that "his arm would be amputated the next day." Upon examination she directed him to take certain care of it, that he could do himself, which, to the great disappointment of a surgeon in charge of a very large hospital, and his assistant surgeons, who were to be well paid, he gave them Dr. Mary E. Walker's decision, and saved his hand and arm, which are of great use to him. A Mr. T. F. Baily, 15 Wood street, Pittsburgh, had an arm saved, which but for her would have been amputated. She can not remember the names of any others.

One day a message was sent to her that soldiers had been in a common jail in Washington, south of Pennsylvania avenue, for about five months' without trial. She went there and took statements of cases, and then went to the War Department and insisted on immediate trials. A court-martial was convened, in which Colonel Alexander was president, and there, for the first time that a woman had acted as attorney, she did so, in one of these cases, and lost the case, but appealing to Judge-Advocate-General Holt, stating that the testimony of a witness proving an alibi, had been left out of the court-martial report, he reversed the decision, gave soldier his back pay, and by her request, a 30 days' leave of absence to his Michigan home. Before leaving, the soldier called upon Dr. Walker, offering her money for her services, which she refused, with the direction to take all to his wife and children.

The great good she could do was her object, and not money-making, as she had gained a reputation in her profession, so that she did large business before the war, and she expected to return to practice in private life, "in three months" more, all through the war; and when she used up her means, the money her father sent her and a gold watch he had given her when she was eighteen years of age, she borrowed money from time to time from different persons, expecting soon to be able to

refund the same, as she could have made $10,000 or $12,000 a year if she had remained in general practice instead of going into the Army. She was about twenty-seven years of age and looked much younger, and did not contemplate such a using up of her ability of endurance, that she would ever after be a frequent patient of her own.

While conversing with convalescent soldiers about returning home, as soon as they were able to do so, instead of being sent back to their regiments from the Washington hospitals and convalescent camp in Virginia, not far from Arlington, a sadness came over those who were not wholly disabled for some duties, although sufficiently so, that they were unfit for military duty in the field.

There was no regulation to keep any soldiers who were partially disabled for duty. Some of such said to her that they "came away with the boys, and hated to go home to stay until the war was over, and then all go home together." They said that they might "wait on the boys in hospital, and might do guard duty, where they did not have to stand up all the time."

She went to Adjutant-General Townsend and explained the situation of a large number of men, suggested that hundreds of able-bodied men might be relieved by partially disabled men who could do guard duty in all the public buildings and the fortifications around Washington, just as well as men able to go to the field, as all that was needed was a show of a soldier holding a musket and that such men might assist in the hospitals, and while she did not deem it right to compel disabled soldiers to remain in service if they did not desire to do so, she thought they ought to be allowed to remain if they could be useful and so desired.

General Townsend asked her "if she suggested a different uniform to distinguish them," to which she replied that she had not thought of that, but that it would be a good idea.

Such an invalid corps was formed soon thereafter, and Dr. Walker received the personal thanks of some of the men composing the same, who knew of her taking a part in its inception, but she did not get any of the silver that was presented to General Townsend, which consisted of several pieces.

While distributing some hospital supplies that had been sent to her care, she found that soldiers had been sent to St. Elizabeth's Insane Hospital, whose minds were injured with constant thought of themselves during a long period of convalescing; and knowing that injuries to eyes, or to arms, or chest, where they were unable to hold reading matter, prevented them from diverting their thoughts in channels away from themselves, she replied to Rev. Mr. Stone, from Rhode Island (she thinks) that checker-boards in hospitals for reasons explained, were needed more than anything that could be sent. He listened to her logic, and had the same sent, and good results followed.

When the wounded from the battle of Fredericksburgh were being loaded on the boat at Aquia Creek, to transport to Washington, the weather was oppressively hot, the banks high from the boat, and the plank leading thereto was necessarily much inclined. Dr. Mary E. Walker saw that the carriers of the stretchers, in their great haste to get a boat-load out of the way, were rushing down with the heads of the men down the incline. She stood with her surgeon's sash on, and ordered every one to take them feet first, thus preventing congestion of the brain, which must have been produced, but for constant directions from her.

While in Suffolk, Va., she found that several soldiers were obliged

to use the same spoon, and that their food and drink became unpalatable by being cold before they had a spoon to use. She immediately purchased spoons for them. In the hospital she found sanitary conditions that she had corrected.

Learning that the troops had not been paid for five months, and that they were planning to go to their families, who had written pitiful letters to them of their needs of money, she addressed them upon the failure of success in attempted desertion, and assured them that a paymaster would be sent them in a reasonable length of time after she returned to Washington, which was done, after she had made a statement to the Secretary of War of the facts in the case.

While on the march to overtake General Lee on his Pennsylvania return trip, the heat was so oppressive that some of the soldiers died from sun-stroke. She saved the lives of others by stopping an ambulance and directing the men to get into the same, amidst the protestations of the driver that it was "against his orders to allow any one to ride." She dismounted and let some soldiers ride for a little distance who were nearly exhausted, or carried a musket for them while she was riding.

She was in company with Quartermaster Painter and his wife on this march. While at Piedmont, Va., the church was used as a temporary hospital, but there was no medical officer there. She and Hetty K. Painter, M. D., went there to see what was the condition of the men, and found them in the first stages of fever with nothing but hard-tack to eat. Dr. Walker started in search of something needful in their condition, but found food so scarce that nothing could be purchased for money, but she succeeded in getting a peck of corn-meal, in exchange for a pair of her boots that were nearly new. This meal was made into a nourishing gruel by a servant in one of the houses, and Dr. Walker and the quartermaster's wife rode on horse-back a mile to the church and carried buckets of gruel to the sick, and through their administration every soldier recovered. The well soldiers had run down a swine, hastily dressed it, and secreted it in the church; but, before any of the pork had been cooked, Dr. Walker discovered it, and made a speech, explaining the injury which would result from eating an animal that had been run down and dressed in such an oppressively hot day, and directed the soldiers to bury the same, which was done.

The church had been built through the untiring energies of two maiden women, the Misses Shaklett, who had been the victims of a confiscated side-saddle for Dr. Walker, and who had used their only weapon in defense, and which was such earnest English that the soldiers had determined to burn up all their buildings. This was the third side-saddle that different squads of men had confiscated on their march, and while Dr. Walker appreciated their effort to do her a service, in every case she asked them to return confiscations to their owners. This last was a complicated one, and they were determined to destroy the saddle if she would not accept it, and when arguments of justice utterly failed, she touched their avarice, and induced them to sell the saddle to the owners for $5. No amount of argument could induce them to withdraw their threats to burn up the buildings of the women who had used, what they considered, unpardonable English, and she then told them that the buildings were so near each other, that, if one was fired they would all go, and that she should stay every night in that house, and be burnt up with those women, as they had no more made the war than she had made it herself, and were no more indignant at wrongs. She staid with them, as also did the Painters, and their buildings were all saved, and other things returned that were of no use to soldiers.

One bright moonlight night while camping in Virginia a long distance from inhabitants, she learned that a huge snake had coiled upon the blanket at the feet of Captain Beech, of Pennsylvania. It was so heavy that the captain supposed it was a dog, and paid no attention to it, until it began to move away at sunrise. It was several days before it was killed, and the agonizing fears of Dr. Walker at night, although tenting with L. M. Painter and his wife (where she was obliged to stay, being so far from habitations that there was nothing she could do but to stay), can not be portrayed in words. The United States Treasury has never contained enough money to compensate her for three nights of such an experience. Henry Lewis of (she thinks) the Eighty-fourth New York Volunteer Infantry, was bitten by a snake on the mouth, while in the army, and died too horrible a death for contemplation.

During the war there was but one railroad depot in Washington, and no seats for men in the same at the time, and feeble soldiers taken to the station en route for home were allowed to sit in the ladies' room. When a train was announced they were unable to reach the same before it started, owing to the jostling of the crowd, and were obliged to wait for another train. One evening she felt so strongly impressed to go to the depot for something, she knew not what, that she finally went, and found such a case, and putting the soldier's canteen and haversack on herself, and partially supporting the soldier with her arm, she made way through the crowd and got him on the train, after he had missed three trains. She called the railroad officials attention to the necessity of some one attending to such cases at every train, and it was a suggestion that was heeded afterward.

The last year of the war she was in the Southwest.

In Nashville, Tenn., she saw a man in a hospital who had a swelling on the outside of the eyelid, but his observation of surgeons had caused him to lose all confidence in them, before he was sent to the hospital, and he would not submit to the opening of the same for fear he would lose his eye. The surgeon in charge took her to see him, and she explained to him that it would open and discharge on the underside of the lid, endangering his sight if not opened on the outside. She took the proffered lance from the surgeon, and the soldier willingly submitted to her using it, and he was instantly relieved of pus, and his eye saved.

All through the war, even men who had never heard of a woman surgeon had confidence in her skill, and said to her that they would "rather see her than any other lady, because she knew so much."

While in Chattanooga she had charge of a measles ward of over sixty men, all of whom recovered. She was also appointed inspector of several other wards that Surgeon Salter had assigned to her, to relieve himself of the duty. This gave her an opportunity to openly direct the assistant surgeons in such wards in all cases. She found a man whose hand had been wounded, and so badly swollen that amputation had been decided upon. She ordered a delay of two weeks, and gave such directions to the nurse that in two weeks time the hand was nearly well. Reference is had to T. D. Bramsby, Company K, Eleventh Ohio Infantry, now at 4232 Wallace street, West Philadelphia, Pa.

There were some surgeons in the Army who had not graduated before the war, not only, but some who had never had other means of gaining knowledge save that of a drug-store clerk; and while she remembers the lives and limbs that were saved by her, that, if she had not been in the Army, would have cost the Government every year many times what she had modestly asked for herself as re-imbursement

and service money, she has all these years had faith that noble men would not delay justice until her voice was forever still, and she could not express her thanks at last. A little time yet remains.

At headquarters at Lee and Gordon's Mills, Georgia, a poor woman rode up with two children on her horse, and a bag, hoping to beg some meal. She had come a long way, and it was near night. Dr. Walker was sleeping in the room with the miller's family, and she gave up her bed to them, and would have camped on the floor, but there was another place given her. Dr. Walker persuaded Colonel McCook to give the woman the meal with the promise that she would not come again, nor tell where she got it.

Dr. Walker found the inhabitants deplorably poor, and the women stated that the men of their families had hid in the woods to keep from being conscripted, and the women watched their chances to carry them food, as they did not dare to come home at night even, until the weather was so inclement that they could hide no longer. She was called to a youth of sixteen who had come down with a fever, from exposure in hiding, and the conscriptors were waiting for him to recover.

One day after she had been outside of the lines responding to the sick calls of the inhabitants, she related an incident that made Col. Dan. McCook and all the staff officers suddenly rise to their feet. She had no idea what that meant until she read Dr. Hale's book, over twenty years after the close of the war, and immediately recognized the picture of Champ Furguson, the guerrilla, acknowledged to have been the most heartless, cruel man known, having shot down his neighbors in cold blood who were in neither army; taking advantage of wars unsettled conditions, and killing because of old spites, and also to rob of property in the houses as well as out of doors. She was riding a long distance from any dwelling-house, and when near a barn that was inclosed with a high board fence with an opening, two men came out but a couple of rods from her, and Champ Ferguson advanced and cried "halt;" she stopped, then he ordered her to "ride in the inclosure." In the coolest manner she asked what he wanted her to ride in there for, saying she was in a hurry to go and extract a tooth for a woman, and that she had the forceps in her pocket. His companion stepped back behind the fence, called to him, and said something in a low tone; he then asked her if she had any fire-arms. She answered, "No." He asked her if she was not afraid to go around alone. She said "No," what was there to be afraid of when the doctors in the Confederate army were all away and the inhabitants wanted her to attend them? He then said, "Go on."

Her demeanor was a coolness of desperation, and was probably the only course that could have saved her from a brutal death. She carried a small surgeon lancet with her, resolving to use it on a jugular vein of her own if unable to defend herself with it, or her side degree in Masonry. That lancet was kept by her all through the war, until she was an exchanged prisoner in August, 1864. She then gave it to Dr. Lightfoot, of Tennessee, for whom she was especially exchanged, although fifteen Confederate surgeons were exchanged for twenty five Federal surgeons at that time, including Dr. Lightfoot and herself.

About the time of the close of the war, while in Clarksville, Tennessee, she had charge of refugee families and an orphan asylum of about sixty children, and all of them were soon in a good state of health after she had the professional charge of them. One of the young girls belonging to a refugee's family died soon after her arrival, and in the absence of the chaplain, who was an Episcopalian, she asked his wife

to read a brief burial service, but she would not do so as it was out of woman's "sphere," and so Dr. Walker officiated and addressed the friends.

While a prisoner of war in Castle Thunder, Richmond, Va., a Confederate soldier, who had been condemned to die for desertion, was placed in a cell near her own, and his wife allowed to come and see him. When Dr. Walker learned the facts in the case she wrote a letter to President Davis asking to be "sent back to his regiment through a pardon, stating that his death would make one less to sustain the Confederacy." She directed the deserter to copy it, as well as possible, and to be sure to capitalize and punctuate as she had done, and then the President would think him worth saving. The soldier stated that everybody knew he was against the war, and he had but little hopes. But true to Dr. Walker's prediction, a pardon came two days thereafter.

A man and his wife were sent to the same rooms a short time after, charged with "allowing a squad of Yankee soldiers to land on their plantation." The woman groaned and cried, because among the children left at home was a sixteen-year-old daughter that she feared would be carried off. All the doctor's wits were exercised to console her, and she wrote a letter for the man to copy, "stating the injustice of such arrest, the helpless little family left at the mercy of both armies, and the impossibility of one lone man to prevent a squad of Yanks from landing." They were not in favor of the war, and had taken no part in it. The woman reminded the doctor "that it was not so hard for her to be a prisoner as for herself, because she could not read." Dr. Walker received a great deal of consolation in being able to do somebody some service, and especially in seeing these people released the next day after the letter was sent.

Through a woman servant she learned that Timothy McKeen, a Massachusetts soldier, was in another part of the prison, condemned to be shot as a spy. She sent for some peanuts and put her last two-dollar note, which was Confederate, in one of them, and directed the servant to throw a half dozen in to the man. He sent her a scrap of paper saying it had been received. He was not a deserter or a spy, but to save his life he professed to be a deserter, and was finally sent to Saulsbury, S. C., where he was imprisoned until the close of the war.

One day while in prison the sound of whipping of horses was near to her, mingled with the remote sounds of musketry and the booming of cannon. Looking out of her window, she saw sixteen pairs of horses hitched to an engine that was being drawn across the city where there was no railroad track. They had come to a place where no whipping of horses could move it at all. She sent for one of the prison officers and told him to go out and tell the men in charge that they would kill their horses and not move the engine, but if they would hitch part of the horses on the other side, so that they could push by backing, they would be able to start it. He hesitated, but took the message, and but a few of such pushes started the engine, and it was soon out of her sight.

In the warm nights bed vermin came out to feast on her, and they were of all sizes, and she was employed in exterminating them until the small hours in the morning. Gas was kept burning all night in her cell, according to prison regulations; it injured her eyes, although she would not have felt safe without it. Three times in four months of prison life, whitewashing was done to exterminate the bed vermin that were in the ceiled walls. The large vermin came with such whitewashed backs that she could not see them, and her constant annoy-

ance nights, until literally worn out for the want of sleep, she declared would have caused her death if she had remained many weeks longer.

Her cell was in the second story, over the passage where the guards' arms were stacked. One day as she was standing leaning against the casing of a door she heard a whisper, "Go in and lie down." In an instant her face had an expression far from beautiful, as she turned to see who possibly could be near her, as the other cell doors were closed, and the guard was on the opposite side of a very wide corridor and not even looking towards her. Nothing but a spirit could have whispered, and she did not believe one had whispered, or could do so, and she determined to stay and find out the mystery, but she soon became so faint that she was obliged to go and recline on her cot. She had only touched the cot when there was a loud report of a musket, and the ball passed up precisely where she had stood, and her faintness had disappeared. As the ball went up through two floors, and through the roof, there was great consternation until the explanation that some wrestling guards had hit one of the stacked rifles.

One day a man connected with the prison came to her cell, saying that his nearest friend had been drafted into the Confederate army, and he did not know what to do, for if his friend got killed in the army it would kill him. Her first thought was the absurdity of coming to her, for what could she do? Then she studied to see if there was not some way to save the handsome young gentleman, and while the man brushed a tear from his face, a thought did come to her that never came before. She directed him to bring her an apple, and some red pepper, and she would make him have heart disease so badly that no surgeon would pass him. She prepared the dose and when he had swallowed it, directed him to run several blocks, but to walk deliberately when near the examining surgeon's office. The examination was brief, and he returned with a paper stating that "the bearer had the worst disease of his heart that he had ever met, and that he was discharged from all military duty during the war."

Dr. Walker was a prisoner of war for four months, and in a part of the time taught a white girl prisoner grammar and geography by repetitions, and writing and arithmetic with a pencil on the walls, but the crowning importance of her work was the discovery of the cause and prevention of rabies; and this discovery so hapified her, as she contemplated the benefit to humanity of the same, that she was rejoiced at her suffering caused by insufficient food that led to such an evolution of thought. The want of food or drink causes the throat to contract when such articles are seen, and the choking sensation causes the saliva in large quantities to ooze from the mouth full of air bubbles in attempts to breathe. Rabies is caused by an insufficient amount of water to bathe in and to drink for a length of time, and it is required so imperatively that when it can not be had the want is felt so greatly that the throat contracts as though swallowing before the water can be placed in the mouth, and there is an unyielding contraction that induces the dog to bite because it does not know what else to do.

Had she not been a philosopher, and had also a vein of mirth in her composition, to turn to account in her troubles, she could not have endured these hardships. Among her efforts to turn the tide of her thoughts of them was a seemingly sincere order to her servant (Aunt Sally), an old colored woman, to bring her a turkey dinner, naming many covers, and calling her back several times to add dishes to the first order until she laughed aloud at the ridiculousness of the same.

A guard about sixteen years of age, who was stationed in the corri-

dor, heard the doctor give the order, and he told her that "the soldiers guarding the prison had no larger, and no different rations than herself, and that every body was living on half rations." The next day he sent her a piece of fine soap, with the message that "the black soft soap of the prison was not fit for her pretty face."

While she was on a flag of truce boat, on the James River, the boat was shelled by the Confederates, and several burst over the boat. She was also under fire at Fredericksburgh, and one time previously.

In the winter of 1864 and 1865, while on duty in Louisville, Ky., orders were given her by Colonel Farley, the commandant of the post, and by Assistant Surgeon General R. C. Wood, as she was commandant of the prison and twenty-five guards, and also surgeon in charge.

She detailed two Federal women, who were soldiers, and both of them escaped while on orderly duty. She subsequently paid over a hundred dollars to a New York boy in traveling expenses, clothing, etc., to act as her orderly, and paid the traveling expenses of a woman from the same place to Louisville to act as steward, matron, etc.

Surgeon Phelps, medical director of the post, testifies to "her efficiency in her trying and complicated duties."

One day, in a Nashville scare, the guards were all removed without giving her notice. She coolly told the prisoners that the guards were out of sight for a purpose and that she should be absent an hour and give all a chance to leave if they thought best to try to do so. There was a misunderstanding in taking all the guard, and as soon as she reported the same convalescent soldiers were sent her as show guard, and her military strategy prevented the escape of even one prisoner, as Dr. Walker was so cool they supposed she knew of the same and that it was a plan to see who would attempt to escape if an opportunity was afforded.

AFFIRMED STATEMENT OF DR. MARY E. WALKER.

In responding to a request "for a brief history of my having been the only woman officer in the Medical Department of the United States Army during the late war," I have the honor to state that I came to Washington alone in 1861, imbued with the idea that, in the emergencies and agonies resulting from a great and terrible war, services rendered to the suffering would be gladly received from any capable hand by those needing assistance. This I found to be true all through the war.

I had been in successful practice for five years before the commencement of the war, and brought papers with me regarding my graduation in the profession and subsequent success. I very soon found a vacancy and presented my credentials to Surgeon Green in charge of the Patent Office Hospital. He stated that "his predecessor had died in consequence of overwork without an assistant surgeon," and made me the bearer of a request to Assistant Surgeon-General R. C. Wood to have me appointed as his (Dr. Green's) assistant surgeon, reminding him that "requests for an assistant surgeon had not been granted heretofore because there were no assistant surgeons who were unassigned."

General Wood received me with professional courtesy, expressed himself satisfied with my credentials, and sent me into the Surgeon-General's room, saying that "as the Surgeon-General was on duty he could not do what he would do if the Surgeon-General was off duty that day."

Surgeon Finley received my youthful face politely, but as soon as he learned my business his attitude changed and a veto was immediate;

but I "held the field" long enough to assert the equality of "proprieties" in women surgeons and women nurses in men's hospitals.

There seemed no other way than to "steal the march" on conversation, and I did so by returning to Surgeon Green with a statement according to the above and that I would act without other official recognition than his own. This I did, refusing a part of his proposed salary on the ground that I would not take advantage of his imperative necessity in his overworked position, with over one hundred patients, and without one spare hour to breath the fresh air and having a family for whom he ought to be able to live.

My position in his hospital was the same as though I had had a regular appointment.

In the various changes of war times, in hospitals, at the front, and in transits, the instances were rare when I was not treated with professional courtesy by members of my own profession, and well treated by all persons who were in or connected with the conflicting armies.

After Surgeon-General Hammond succeeded Surgeon-General Finlay, General Meade, while in command of the Army, sent me to Surgeon-General Hammond for an appointment. This was when all parties were at the front in Maryland, in the trying times of the summer of 1863. Surgeon-General Hammond said that "a woman in any capacity had no business where sick or wounded men were, and that no woman had any business to study the profession, and if he had his way there should not be a woman in any hospital, even as nurse." As a battle was expected, I desired a recognized position more on account of the protection it afforded than the compensation or emoluments (knowing that all men were not wearers of the square and compass).

When I reported to General Meade the reception I had met, his grand expressive face talked before he opened his lips to say: "He is ungentlemanly." He then in an appreciative tone never to be forgotten told me to "stay in the Army and do all the good I could, and if he was wounded he would send for me."

After Surgeon-General Barnes succeeded Surgeon-General Hammond I wrote a letter to President Lincoln asking to be appointed a surgeon, stating that services that were well known to be valuable had been performed by myself, and the best of the medical profession in the Army had testified to the same, and that I failed to see why services that were valuable without emoluments would not be just as valuable with them. The letter was soon returned with an indorsement by President Lincoln, "I am willing."

Learning in the spring of 1864 that Assistant Surgeon-General Wood was surgeon-general of the Western Department I asked to be sent to him. I told Surgeon-General Barnes that General Wood would give me a recognized position in the Medical Department if I were ordered to report to him, as he knew of my professional abilities. He gave me the order to report to him at Louisville, Ky., which I did, and Assistant Surgeon General Wood would have then given me a position as acting assistant surgeon to have served in that city; but when I desired to go where there was expected to be battles very soon, and surgical assistance needed that was all imperative, he gave me an order to report to the medical director at Chattanooga, Tenn., with the instructions that I should be assigned to duty in that place, which was but a few miles from the front. When I presented the order to Medical Director Cooper he immediately said he "would not have a woman surgeon in his department." I answered him that if he did not respect the order of the surgeon-general of the department I would call on

General Thomas and report his decision. He then directed me to "report the next day for examination," saying he "would call a board." I called on General Thomas, and when he had listened to my report of the interview with Dr. Cooper and my assertion that there would be such unfair dealing in an examination that I hardly knew whether it was best to appear or not, he told me to "see what Cooper would do, and then report to him."

The board consisted of three doctors, all young men, two of whom were younger both in years and practice than myself. The first part and nearly all of the examination was on obstetrics, and the greater part of what little there was outside of the subject that had no significance whatsoever in men's hospitals was trivial and matters of opinion that could be decided according to whether the applicant was desired to win or fail. One of these questions was as follows: "Should a hospital be ventilated at the top or the bottom?" The farce ended and I was reported as "knowing nothing any more than any ordinary woman, except on obstetrics." General Thomas was convinced by the "report," which was all the evidence required of Dr. Cooper's "intention." Dr. Cooper informed me that "I could have a position as nurse," which, of course, I refused. I went to Dr. Salter, chief of the largest hospital, and asked for a position as assistant surgeon in his hospital and he gave me a ward of about sixty measles cases and directed me to make his morning calls of inspection in several other wards where there were surgical cases, informing me that, while he could give me the position of assistant surgeon, Dr. Cooper's decision would prevent me from having the pay.

After serving here until the men in my ward had convalesced, General Thomas sent for me and informed me that "Col. Daniel McCook had his headquarters in a house with a family at the front, where surgical work would be expected soon, and that he would direct Dr. Cooper to give me an order to report to him." When I received the order Dr. Salter stated that he would go to General Thomas and ask him to let me remain, as he desired my assistance, but I replied that I preferred to go to the front. I went in an ambulance and was published as one of Colonel McCook's staff officers. I slept in the room with the miller's family at Gordon's Mills, and Col. Daniel McCook treated we with every consideration, never for once being in my company alone. At one time when there was a general review several miles from the post and Colonel McCook's staff and all but the picket guard went to review, I, with an orderly, performed the duty of post inspector for him, wearing the red sash, and "the guard turned out" as they did for any "officer of the day."

During the several weeks that I served as a staff officer many of the inhabitants came to the lines and begged for medical attendance, and I responded to these calls and attended medical, surgical, dental, and obstetrical cases, and never, save in one instance, did I accept of compensation from the suffering people that General McCook asked me to attend, which was the polite way of giving an order.

On the 10th day of April, 1864, I was taken prisoner while acting in the capacity of acting assistant surgeon, but I was not paid as a surgeon at any time during the war, except from April 10, 1864, to June 16, 1865, when I left the service by resignation, and on my acting assistant surgeon contract is indorsed "Annulled at her own request by order of the Surgeon General."

It is proper here to state that Surgeon-General Wood, of the Western Department of his own accord made me an acting assistant surgeon

a few months subsequent to the Cooper examination and assigned me to duty with women prisoners and with refugee families in Louisville, Ky., where I remained until March 22, 1865, when he gave me an order to report to Medical Director Cooper at Nashville, Tenn., for assignment to duty in his department. In justice to this officer I will say that he gave me a choice of places, and I, in pity for him, asked him to please send me as far from himself as possible. I performed my duties until there was no longer need of the same—this without fault-finding or even suggestions; and my order to report to the Surgeon-General at the breaking up at the close of war conditions was the same as those of others in my position given by himself to other officers.

My contract as acting assistant surgeon in the regular Army with rank of first lieutenant is the same as that of over seven hundred men officers.

MARY E. WALKER, M. D.

WASHINGTON CITY, *District of Columbia:*

Subscribed and affirmed to before me this 29th day of February, A. D. 1888.

R. B. NIXON,
Notary Public.

The doctor has stated that she has found no more opposition to herself, as a medical officer, and in other fields of usefulness, than could be expected in a woman, who is always considered out of her sphere if performing duties heretofore the exclusive field of men.

Dr. Edward E. Phelps, professor of medicine in Dartmouth College, and during the war surgeon of United States Volunteers and post medical director at Louisville, Ky., has vouched for her merits in these words:

It is with the greatest pleasure that I bear testimony to the superior talents and acquirements of Dr. Mary E. Walker, who was for some time on duty in the department for which I was medical director. While performing her complicated duties at the Female Military Prison at Louisville she evinced the same active, energetic, and persevering spirit which had characterized her in her whole military career, and which has enabled her to render even more services to her country than many of our efficient officers bearing full commissions. The records also show that her services were appreciated by Maj. Gen. George H. Thomas. Through his selection and appointment, she also served in the field, and whilst so serving was captured and held as a prisoner of war for four months.

There was no other surgeon willing to respond to the urgent calls outside of the lines, for fear of a trick to capture them. She knew no fear in her professional duties, and went unarmed and saved lives of patients, and so won the regard of the inhabitants that their soldier relatives shot without cartridges, or too high to hit the "Yanks," in gratitude for a Yankee woman doctor's services to their families, and began to think that the Government that allowed her to respond to sick calls must be a good one.

After the war was closed a bronze medal of honor, usually accorded by Congress for meritorious service, was given to her, accompanied by a testimonial signed by President Johnson and Secretary Stanton. She is the only woman who was thus honored.

The war did not end the important work for the good of humanity, that Dr. Walker has been so long engaged in, whenever and wherever she saw duties before her. She learned that all sewing women who earned more than $500 a year had two internal-revenue taxes to pay. One was a manufacturer's tax on every article where a needle was

used, and the other on sewing women's receipt. With depreciated currency and high prices for all kinds of food and clothing, these taxes were very oppressive. Women approached her with an appeal to her "as having been the most prominent woman in the army." She told them there was but one way to have laws changed and that was to have the power that made laws repeal them. She wrote a petition for the repeal of the oppressive laws, and Miss Lucy Monk, of Albany, N. Y., secured the signatures of the aggrieved women, headed by Mrs. Mary Williams, a corset-maker of Albany. Dr. Walker was at her own expense to carry the petition to Washington, believing that she would succeed, although no other woman had been before a committee of Congress in the interests of women.

When the chairman of the committee asked her if she "would be satisfied to have a law that no woman should be obliged to pay either of the revenue taxes mentioned, unless she earned over $1,000 a year," she replied "No;" but when he explained to her that men doing large business would put such business in the hands of their wives, to defraud the revenue, she stated that the change that he proposed would relieve the most oppressed. The bill passed Congress without a dissenting voice, reading so that poor soldiers also were relieved, as all poor men were.

Dr. Walker, since the close of the war, has been assisting soldiers, widows, and orphans to secure their pensions, and in various ways, and in only one instance has she taken any money for such services. She has had a large correspondence with people who seldom sent a return postage-stamp. She became so familiarized with methods of public business that she saw the necessity for a record division in the Pension Office, and had a long talk with Major Clark when he was Assistant Commissioner of Pensions, suggesting the then present need of State boxes and alphabetical registers, predicting that the time was not distant when the office would be in a perplexed muddle, if such arrangements were not made. Major Clark started the record division very soon thereafter. This was while in the Twelfth and Pennsylvania avenue building.

She saw the injustice of not paying widows from the time of husbands' death, and soldiers from the time of commencement of disability, instead of "from time of application," and made a speech in the House Pension Committee room, and talked the same to a large number of Representatives of the House of Congress, until they saw it also and passed an arrearage pension bill.

She had sent a registered letter containing a $500 note to a Vermont village, and although the letter sent several days thereafter had been answered nothing was said about the registered letter. The party to whom it was sent was known to be preparing to go to the Pacific coast and the postmaster did not hand him this letter and declared all letters received had been given out. When an investigation was made by an inspector the postmaster said "the man did not say anything about a registered letter." When Dr. Walker learned of this intention to keep the registered letter until the party owning it had left town, she went to Judge Edmonds, postmaster, in Washington, and told him that a printed receipt on a postal card ought to be made by the Government and have every postmaster sign the same, that such letter had been so received, and then forward such receipt to the anxious sender of money.

She also went to the Assistant Postmaster-General asking the same. He promised to call the postmaster's attention to the suggestion, and in a short time the plan was adopted.

Dr. Walker did not believe in ventilating wrongs in places where they could not be righted, but when she saw anything promotive of great good she felt it her duty to lose no time in lighting up unthoughtof regions that she chanced to explore.

When it had been decided to clean out the old canal in Washington, she went to the board of health rooms and predicted a plague that would depopulate the city. She argued that the canal should be filled up, stating that the sale of the filled up land, and the iron bridge, would help to pay the expenses, and when once done the nuisance would be ended. The result was that the canal was filled up.

When there were a number of cases of small-pox on Capitol Hill, she wrote up an article, which was published in a Washington daily, urging people to cut up onions and put in yards and alleys as a preventive, which advice was extensively followed, and not one new case appeared thereafter. Congress was in session at the time, and files of either the Star or the Republican will show the article. She also wrote the same to Canada, and to Spain, under similar conditions with the same results.

All matters urged by her, whether in departments or sanitary fields, were of importance, and in one session of Congress she addressed thirteen different committees, besides writing bills and memorials, all without compensation.

Among the many important matters brought before Congressional committees was the injury of adulterated butter, and she originated the ingenious method to prove the enormous quantity that is unwittingly consumed, while the real butter is sent abroad, viz: that there should be a revenue tax on the spurious, and that there should be a penalty for selling the same, under the pretense of its being genuine, and then when the masses of the people were aroused to the quantity manufactured, and the injury to health of the same, all laws to prevent manufacture and sale could be enforced, which were sure to be enacted in the near future.

She has assisted worthy nurses that were in the Army to secure pensions, and but for her assistance to others in their bills, when she has been importuned, there is no doubt that she would have ere this succeeded in securing the justice for herself that the appropriation now pending calls for. She was the first person who wrote up and urged a bill for pensioning the nurses.

This public-spirited woman has thought on all the important subjects of the age, and not slighted even the Supreme Bench as the following evidences:

CROWNING CONSTITUTIONAL ARGUMENT.

By MARY E. WALKER, M. D.

Whereas the framers of the Constitution of the United States of America, in consideration of the interests of every part of the country, to the end that harmony might be restored and made permanent in all the colonies, and that the sea-board States received special consideration, because of their exposure to foreign invasion not only, but their position to permit, or invite, powers hostile to the people's government; and

Whereas the women of New Jersey had already exercised the rights, duties, and privileges of franchise, special pains were taken to so word the Constitution that the interests of women should not be ignored, as the grand men of that age were not alone to be considered, since women had a competency that gave them time for thought on National questions, and intelligence that had spoken through the ballot in their own hands, exemplifying a full republican form of government; and

Whereas New Jersey writhed more under injustice than any other part of the new world, and no concert of action could have been had with that State, if an attempt had been made to force them into an acceptance of a limited republic (after the women had been voting in their Colonial Government), as would have been the case if the Constitution had commenced "We, the men," instead of "We, the people;" and

Whereas the women in New Jersey continued to vote unquestioned up to 1844, long after all the framers and adopters of the Constitution had passed away, showing an acquiescence in the spirit as well as the letter, of that grand old document; and

Whereas the protection of women voters was considered a matter of the highest policy, and fearing that the States where women were not already voting might attempt, by State laws, to make such States limited republics under a general republic, by enacting States laws curtailing the rights of women, and in time break up the general government into a great number of small limited republics, that in time would become limited monarchies, or wholly independent of the general government; and

Whereas the Constitution clearly guaranties a republican form of government to every State, and declares every law enacted by any State "null and void" that does not protect all citizens equally, in all their rights, duties, and privileges:

Therefore, in the face of the above facts that our blessed forefathers and foremothers thought, and lived out, under the grandest and most perfect document of any age or people, let us hasten to the full following, and thus restore and make peace permanent among both sexes and all classes.

The greatest policy is the highest justice, and *vice versa*.

Many of the greatest statesmen of the age have expressed themselves as follows:

Senator Sumner said: "I am astonished at such an argument being brought to me. I am astonished that a woman's brain has seen the Constitution in its true light, as no jurist has ever seen it. Dr. Walker, your Crowning Constitutional Argument will open the door through which all women will walk and vote." Chief-Justice Chase in substance said the same.

The first time my Crowning Constitutional Argument went to Congress with bill attached to protect women in the exercise of her franchise was through Hon. Mr. Teese, of New Jersey.

Senator Fenton and Senator Caldwell introduced my bill simultaneously to protect woman in her suffrage (with argument attached) as several other Senators and Members have done, with not one dissenting from the truth of the same.

The Supreme Bench, will, ere long, declare the supremacy of the Crowning Constitutional Argument, and the work is done.

MARY E. WALKER, M. D.,
An American citizen.

The quick perception of a woman, combining the practical knowledge of medicine and surgery, that rose to every occasion and surmounted every difficulty, remained, while the endurance of the physical had departed, and but for her hygienic method of clothing would have wholly disabled one so petite and sensitive from the activities of life that three accidents, in the same limb, on last Decoration Day and in last November have now deprived her of.

It is not generally known, by people now living, that not until since the close of the war were bills printed and put on all Representatives' and Senators' desks. Still smaller is the number who know the history of why this was deemed advisable not only but imperative, and how the delayed justice that should have been meted out to her was defeated at a time when it was not publicly disputed that she had received the same in a $15,000 appropriation from Congress.

The following is an explanation:

The printing of bills and reports and placing on the desks, so that every member of both houses could be perfectly well informed regarding the pending legislation, was suggested and urged because Dr. Mary E. Walker had been wronged out of $15,000 on March 10, 1866, that Members had voted her as the most prominent woman in the Army, and the only woman who was an officer in the Medical Department. This report would be incomplete without a brief explanation, viz: A bill for a woman had been rushed through the House without discussion other than "talks of Members in groups, that the Dr. Lady should be re-imbursed and rewarded, as the whole country knew of her eminent services."

It was readily pushed through the Senate by adding that "her benevolence would lead her to use the greater part in reporting to friends

of those who died at Andersonville, as she had also been a prisoner of war." (The woman who received the money had not been.) The day it passed the House, Judge Lawrence met her and informed her of the passage of $15,000 instead of the $10,000 she had asked. So adroitly had the passage of the bill been managed by one Member of Congress for a woman who had been a $50 per month employé in the Interior Department the greater part of the time during the war, instead of for Dr. Mary Walker, that not one other member suspected sharp practice until too late.

The woman who got the money also got the list of names of soldiers who died at Andersonville, Ga., that Dorrance Atwater had brought away with him in his boots when an exchanged prisoner of war. The trouble that resulted from the persistence in keeping this list of names by said woman from Mr. Atwater (and other things) was settled by Dorrance Atwater being appointed consul to the Island of Tahitti through the influence of the Representative who engineered the bill. When the Senate was asked to pass the bill (some bill) for Clara Barton, it was on the ground of "time and money used in hunting up the names of dead prisoners of war," as the Senate was too small a body to get a bill through on a plane, and plan, that had been adopted in the House.

To this day, people insist that "Dr. Mary Walker received that $15,000 as it was voted her."

With such an array of facts as are herein shown in this report, of the patriotism, sufferings, expenditures, energy, versatility of talent, in the various exigencies of war, it is not easy to compute what she has attained to benefit her country.

The House committee have recommended the passage of bill 7153, and both houses ought to pass the same without further delay, as this is the fifth United States Congress that has had her bill placed on the House calendar with unanimous consent, but never reached. It is now before the Senate, bill 4267.

MARY E. WALKER, M. D.,
Assistant Surgeon in the late War.

WASHINGTON, D. C., *July*, 1890.

DISTRICT OF COLUMBIA, *City of Washington, ss:*

Subscribed to before me by the said Dr. Mary E. Walker, who affirmed that the contents of the above statement are true to the best of her knowledge and belief, this 25th day of August, A. D. 1890.

[SEAL.] R. B. NIXON,
Notary Public.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 227.

IN THE SENATE OF THE UNITED STATES.

AUGUST 28, 1890.—Ordered to be printed.

Mr. PLUMB, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2781), submitted the following

CONFERENCE REPORT:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to said bill and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and coterminous with the portion of any such railroad not now completed, and in operation, for the construction or benefit of which such lands were granted; and all such lands are declared to be a part of the public domain: Provided, That this act shall not be construed as forfeiting the right of way or station grounds of any railroad company heretofore granted.

SEC. 2. That all persons who, at the date of the passage of this act, are actual settlers in good faith on any of the lands hereby forfeited and are otherwise qualified, on making due claim on said lands under the homestead law within six months after the passage of this act, shall be entitled to a preference right to enter the same under the provisions of the homestead law and this act, and shall be regarded as such actual settlers from the date of actual settlement or occupation; and any person who has not heretofore had the benefit of the homestead or pre-emption law, or who has failed from any cause to perfect the title to a tract of land heretofore entered by him under either of said laws, may make a second homestead entry under the provisions of this act. The Secretary of the Interior shall make such rules as will secure to such actual settlers these rights.

SEC. 3. That in all cases where persons being citizens of the United States, or who have declared their intentions to become such, in accordance with the naturalization laws of the United States, are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed prior to January first, eighteen hundred and eighty-eight, or where persons may have settled said lands with bona fide intent to secure title thereto by

purchase from the State or corporation when earned by compliance with the conditions or requirements of the granting acts of Congress they shall be entitled to purchase the same from the United States, in quantities not exceeding three hundred and twenty acres to any one such person, at the rate of one dollar and twenty-five cents per acre, at any time within two years from the passage of this act, and on making said payment to receive patents therefor, and where any such person in actual possession of any such lands and having improved the same prior to the first day of January, eighteen hundred and ninety, under deed, written contract, or license as aforesaid, or his assignor, has made partial or full payments to said railroad company prior to said date, on account of the purchase price of said lands from it, on proof of the amount of such payments he shall be entitled to have the same, to the extent and amount of one dollar and twenty-five cents per acre, if so much has been paid, and not more, credited to him on account of and as part of the purchase price herein provided to be paid the United States for said lands, or such persons may elect to abandon their purchases and make claim on said lands under the homestead law and as provided in the preceding section of this act: Provided, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in the possession of and have made improvements upon any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: Provided further, That the provisions of this section shall not apply to any lands situate in the State of Iowa on which any person in good faith has made or asserted the right to make a pre-emption or homestead settlement: And provided further, That nothing in this act contained shall be contsrued as limiting the rights granted to purchasers or settlers by "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," approved March third, eighteen hundred and eighty-seven, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

SEC. 4. That section five of an act entitled "An act for a grant of lands to the State of Iowa in alternate sections to aid in the construction of a railroad in said State," approved May seventeenth, eighteen hundred and sixty-four, and section seven of an act entitled "An act extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes," approved March third, eighteen hundred and sixty-five, and also section five of an act entitled "An act making an additional grant of lands to the State of Minnesota in alternate sections to aid in the construction of railroads in said State," approved July fourth, eighteen hundred and sixty-six, so far as said sections are applicable to lands embraced within the indemnity limits of said grants, be, and the same are hereby, repealed; and so much of the provisions of section four of an an act approved June second, eighteen hundred and sixty-four, and entitled "An act to amend an act entitled 'An act making a grant of lands to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State,'" approved May fifteenth, eighteen hundred and fifty-six, be, and the same are hereby, repealed so far as they require the Secretary of the Interior to reserve any lands but the odd sections within the primary or six miles granted limits of the roads mentioned in

said act of June second, eighteen hundred and sixty-four, or the act to which the same is amendatory.

SEC. 5. That if it shall be found that any lands heretofore granted to the Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison line," being a line drawn from Wallula, Washington, easterly to the southeast corner of the northeast one fourth of the southeast quarter of section twenty-seven, in township seven north, of range thirty-seven east, of the Willamette meridian, all persons who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to July first, eighteen hundred and eighty-five, or who at said date were in possession of any portion of said lands or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the lands so acquired, possessed, or improved, from the United States, at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act, at the rate of two dollars and fifty cents per acre, and to receive patents therefor upon proof before the proper land office of the fact of such acquisition, possession, or improvement, and payment therefor, without limitation as to quantity: Provided, That the rights of way and riparian rights heretofore attempted to be conveyed to the city of Portland, in the State of Oregon, by he Northern Pacific Railroad Company and the Central Trust Company of New York, by deed of conveyance dated August eighth, eighteen hundred and eighty-six, and which are described as follows: A strip of land fifty feet in width, being twenty-five feet on each side of the center line of a water-pipe line, as the same is staked out and located, or as it shall be hereafter finally located according to the provisions of an act of the legislative assembly of the State of Oregon approved November twenty-fifth, eighteen hundred and eighty five, providing for the means to supply the city of Portland with an abundance of good, pure, and wholesome water over and across the following described tracts of land: Sections nineteen and thirty-one in township one south, of range six east; sections twenty-five, thirty-one, thirty-three, and thirty-five, in township one south, of range five east; sections three and five in township two south, of range five east; section one in township two south, of range four east; sections twenty-three, twenty-five, and thirty-five in township one south, of range four east, of the Willamette meridian, in the State of Oregon, forfeited by this act, are hereby confirmed unto the said city of Portland, in the State of Oregon, its successors and assigns forever, with the right to enter on the hereinbefore described strip of land, over and across the above described sections for the purpose of constructing, maintaining, and repairing a water-pipe line aforesaid.

SEC. 6. That no lands declared forfeited to the United States by this act shall by reason of such forfeiture inure to the benefit of any State or corporation to which lands may have been granted by Congress, except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to confer any right upon any State, corporation or person to lands which were expected from such grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure by virtue of the forfeiture hereby declared, to the benefit of the completed line.

SEC. 7. That in all cases where lands included in a grant of land to the

State of Mississippi, for the purpose of aiding in the construction of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad, have heretofore been sold by the officers of the United States for cash, or with the allowance or approval of such officers have entered in good faith under the pre-emption or homestead laws, or upon which there were bona fide pre emption or homestead claims on the first day of January, eighteen hundred and ninety, arising or asserted by actual occupation of the land under color of the laws of the United States, the right and title of the persons holding or claiming any such lands under such sales or entries are hereby confirmed, and persons claiming the right to enter as aforesaid may perfect their entry under the law. And on condition that the Gulf and Ship Island Railroad Company within ninety days from the passage of this act shall, by resolution of its board of directors, duly accept the provisions of the same and file with the Secretary of the Interior a valid relinquishment of all said company's interest, right, title, and claim in and to all such lands as have been sold, entered, or claimed, as aforesaid, then the forfeiture declared in the first section of this act shall not apply to or in anywise affect so much and such parts of said grant of lands to the State of Mississippi as lie south of a line drawn east and west through the point where the Gulf and Ship Island Railroad may cross the New Orleans and Northeastern Railroad in said State, until one year after the passage of this act. And there may be selected and certified to or in behalf of said company lands in lieu of those hereinbefore required to be surrendered, to be taken within the indemnity limits of the original grant, north of said line nearest to such part of the line as may be constructed at the date of selection.

SEC. 8. That the Mobile and Girard Railroad Company, of Alabama, shall be entitled to the quantity of land earned by the construction of its road from Girard to Troy, a distance of eighty four miles. And the Secretary of the Interior in making settlement and certifying to or for the benefit of said company the lands earned thereby shall include therein all the lands sold, conveyed or otherwise disposed of by said company not to exceed the total amount earned by said company as aforesaid. And the title of the purchasers to all such lands are hereby confirmed so far as the United States are concerned.

But such settlement and certification shall not include any lands upon which there were bona fide pre-emption or homestead claims on the first day of January, eighteen hundred and ninety, arising or asserted by actual occupation of the land under color of the laws of the United States.

The right hereby given to the said railroad company is on the condition that it shall within ninety days from the passage of this act, by resolution of its board of directors, duly accept the provisions of the same and file with the Secretary of the Interior a valid relinquishment of all said company's interest, right, title, and claim in and to all such lands within the limits of its grant, as have heretofore been sold by the officers of the United States, for cash, where the Government still retains the purchase money, or with the allowance or approval of such officers have been entered in good faith under the pre-emption or homestead laws, or as are claimed, under the homestead or pre emption laws as aforesaid, andethe right and title of the persons holding or claiming any such lands und r such sales or entries, are hereby confirmed, and all such claims under the pre-emption or homestead laws, may be perfected as provided by law. Said company to have the right to select other lands, as near as practicable to constructed road, and within indemnity limits in lieu of the lands so relinquished. And the title of the United States is hereby relinquished in favor of all persons holding under any sales by the local land officers, of the lands in

the granted limits of the Alabama and Florida Railroad grant, where the United States still retains the purchase money, but without liability on the part of the United States.

P. B. PLUMB,
J. N. DOLPH,
Managers on the part of the Senate.
L. E. PAYSON,
E. J. TURNER,
Managers on the part of the House of Representatives.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 228.

IN THE SENATE OF THE UNITED STATES.

AUGUST 28, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

Letter of the Chief-Justice of the Supreme Court of the United States, transmitting letter of the marshal of said court in response to resolution of the Senate of August 12, 1890, calling for a detailed statement of the fees charged and received by the marshal of the Supreme Court of the United States.

WASHINGTON, *August* 27, 1890.

To the PRESIDENT OF THE SENATE:

The marshal of the Supreme Court of the United States having asked for directions in respect to the resolution of the Senate of August 12, 1890, desiring a statement of the fees charged, received, and disbursed by him during the last fiscal year, I have the honor to transmit the report thereupon made by him.

I am your obedient servant,

MELVILLE W. FULLER,
Chief-Justice.

SUPREME COURT OF THE UNITED STATES,
August 26, 1890.

To the CHIEF-JUSTICE OF THE UNITED STATES:

In response to the resolution of the Senate of August 12, 1890, requesting a statement of fees charged and received by the marshal of the Supreme Court of the United States during the last fiscal year, and a detailed statement of the disbursement of the same, I have the honor to say that during the last fiscal year no fees were charged, received, or disbursed by me.

Very respectfully,

J. M. WRIGHT,
Marshal, Supreme Court, United States.

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51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 229.

IN THE SENATE OF THE UNITED STATES.

AUGUST 29, 1890.—Ordered to lie on the table and be printed.

Mr. EDMUNDS submitted the following

CONCURRENT RESOLUTION:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on the 19th day of September, 1890, it be to meet on the 10th day of November, 1890.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 230.

IN THE SENATE OF THE UNITED STATES.

AUGUST 29, 1890.—Presented by Mr. HOAR, referred to the Committee on Finance, and ordered to be printed.

PETITION OF MANUFACTURERS WHO USE VELVETEENS AND CORDUROYS, AND IMPORTERS OF THESE GOODS, DOING BUSINESS IN BOSTON, MASS., PRAYING A MODIFICATION OF THE PROPOSED REVISION IN THE RATES OF DUTY ON SUCH FABRICS.

BOSTON, *July* 15, 189C

To the Senate of the United States:

Your petitioners respectfully represent that they are importers and consumers of cotton velvets and corduroys, which they offer for sale only in the United States.

That the proposed change by the Senate Committee on Finance in the rates of duty to be levied on these cotton velvets and corduroys, to wit, 14 cents per square yard and 20 per cent. ad valorem on the dyed goods, and 10 cents per square yard and 20 per cent. ad valorem on gray (or known as picker), will prohibit your petitioners from continuing in this business, and thereby throw out of employment hundreds of employés, and through the far-reaching channels of trade in the North, South, East, and West the thousands dependent upon the further distribution of this class of goods.

Your petitioners respectfully beg to call your attention to the fact that these goods are used in place of silk velvets, principally by the very poorest classes of the population of the United States, largely the negroes of the South, the working hands on the farm, the factory girls in the mills, the shop girls in the stores, and the servant girls in the homes.

Also a large industry is supported by the manufacture of these cotton velvets into slipper patterns, which are emroidered and then made into slippers in the Eastern States and distributed throughout the West and South largely in the rural districts.

Your petitioners find in paragraph 333 of the proposed new tariff act that it is proposed to admit such cotton velvets embroidered in Europe with silk at the rate of 50 per cent. ad valorem. This would be a discrimination of not less than 50 per cent. against home manufacture and ruin a large industry dependent upon the importation of these goods at the present rate of 40 per cent. ad valorem.

There are kindred industries, such as the box-making, cap-making, millinery, clothing, etc., for which, if the new tariff be enacted, these cotton velvets and corduroys would not be used, from the fact that they would be driven out by competition with other articles. This is an unjust discrimination against cotton goods.

Corduroys.—Your petitioners would respectfully call your attention to the fact that corduroys are used for men's wear, by the working people, such as railroad employés and laborers generally. Among the other uses they are put to is that of upholstering cheap carriages.

If such a prohibitory rate of duty be enacted, it will enhance the cost of these goods to such an extent that they can not be used for these purposes in competition with other imported goods.

Why is it proposed by the Senate committee to enhance the cost of these goods that are entirely consumed by the workingmen of the United States?

For whose benefit is the proposed advance?

Are the interests of the beneficiaries of this advance paramount to those of the consumers of these goods? And is our livelihood to be taken away from us as American citizens, numbering into the thousands, as we have represented to you, for the benefit of—whom?

The present protective tariff of 40 per cent. imposed for the advantage of American manufacturers who may desire to make cotton velvets and corduroys has been admitted by such domestic manufacturers to give them sufficient protection on the medium and higher qualities, as is shown by the statement of Howard Richmond, the only record testimony on this point, which will be found on page 548 of the testimony taken before the tariff sub-committee of the Senate Committee on Finance in 1888, as follows:

> The present 40 per cent. ad valorem tariff does not protect the manufacturer in the large majority of velveteen in demand. It does protect in the medium and higher grades.

This leaves but the lowest grades—varying in price from 8 to 16 cents per yard—requiring additional protection. The average cost of labor required in the manufacture of these goods is not over 50 per cent. of the total cost. From this statement of facts it is apparent that the present 40 per cent. rate of duty, with the administrative act adding to the charges by an addition of 10 per cent. to the present tariff, making a total of 50 per cent., which will cover the entire cost of the labor and afford ample protection on all grades of these goods.

The changes in the duties on cotton velvets and corduroys proposed by the McKinley tariff bill and changed by the Senate Committee on Finance will advance the rates on low-priced goods as in following tabulated statement:

Cost per lineal yard.	Width of goods.	Duty as proposed by Senate committee (14—20).	Duty as suggested by petitioners (6—20).	Total, including advance by administrative act (10 per cent.).	Present duty.
Pence.	*Inches.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
6½	25	118	55	65	40
4	18	96	53	63	
6	22	90	50	60	
7	22	80	46	56	
6	18	78	45	55	
8	22	73	42	52	
9	22	67	40	50	
10	22	62	39	49	

Under the proposed tariff, a cotton velvet and silk velvet costing the same in Europe, the silk velvet after being imported can be sold for less money than the cotton; and thus will the cotton velvet and corduroy importing business not only be ruined, but the proposed legislation will frustrate the intention of the new rate of duty by destroying the market for cotton velvets and corduroys; and many uses to which these cotton velvets and corduroys are now put in the manufacturing

of slippers, caps, boxes, carriages, men's clothing, etc., will cease to exist; and if it takes so much protection to make these goods at home, after such goods are made they can not be sold in competition with other foreign goods, as already stated.

Your petitioners, in consequence of the foregoing statements, would respectfully ask you to change the rates of duty on cotton velvets and corduroys to 6 cents per square yard and 20 per cent. ad valorem, for both pickers, or grays, and dyed goods.

In support of these statements we will submit affidavits showing the actual cost of manufacture of cotton velvets and corduroys.

ANTHONY PETERS & SON.
A. B. CROKER & CO.
JAMES F. MULLEN & CO.
BEAL, HIGGINS & HENDERSON.
R. H. WHITE & CO.
SHEPARD, NORWELL & CO.
BRADFORD, THOMAS & CO.
WILSON, LARRABEE & CO.
FARLEY, HARVEY & CO.
JACKSON, MANDEL & DANIEL.
MICHALS, FARNSWORTH & CO.
EDW. K. BUTLER.
JOHN K. C. SLEEBU & CO.
C. A. BROWNING & CO.
MOORE, SPAULDING & CO.
PLIMPTON, FISK & CO.

51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 231.

IN THE SENATE OF THE UNITED STATES.

AUGUST 30, 1890.—Presented by Mr. MORGAN and ordered to lie on the table and be printed.

RESOLUTIONS ADOPTED AT A MEETING OF COLORED CITIZENS OF BIRMINGHAM, ALA., AUGUST 15, 1890, REMONSTRATING AGAINST THE PASSAGE OF THE LODGE FEDERAL ELECTION BILL.

To the Honorable Senate of the United States,
Washington, D. C.:

GENTLEMEN: The colored people of Birmingham, Ala., in mass meeting assembled on the 15th of August, 1890, adopted the following resolutions protesting against the passage of the "Lodge Federal Election bill," namely:

Whereas a bill popularly known as the "Lodge Federal Election bill," now pending before the Congress of the United States, providing for the manner of electing Representatives to the lower house of Congress and for electors of President and Vice-President of the United States, by the appointment by the judges of the United States circuit courts, on petition of a certain number of citizens of any Congressional district, of Federal supervisors, to hold elections, pass upon the qualifications of voters, to count the ballots, correct and certify to the election of said Representatives and Electors, exclusive of the State officers in which such elections are held;

Whereas this proposed system is full of loop-holes in favor of the political party in power, and against all others in opposition, to the end that whatever political party may have the "reins" of the Federal Government can, with impunity, always count itself "in" and keep "out" the other;

Whereas this bill, if passed, would be the means of defeating the will of the people at the polls and thereby destroy the fundamental principle of our republican form of government; and

Whereas its passage would do more than anything else to destroy the friendly relations between the two races of the South, by inciting race riots and bloodshed, of which the weaker race (colored) would be the sufferers: Therefore, be it

Resolved, That we, the colored people of Birmingham, Ala., in mass meeting assembled, do hereby enter our solemn protest against the passage of the said election bill.

Resolved, That we call upon all race-loving negroes, both north and south, to do all they can against its passage.

Resolved further, That a copy of these resolutions be forwarded to United States Senator James T. Morgan to present before the United States Senate on behalf of the colored citizens of Birmingham.

PRINCE ROBINSON,
Chairman of Meeting.
H. C. SMITH,
Chairman Committee on Resolutions.
S. W. BAINS,
Secretary of Meeting.

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51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 232.

IN THE SENATE OF THE UNITED STATES.

SEPTEMBER 2, 1890.—Presented by Mr. BLAIR and ordered to lie on the table and be printed.

STATEMENT OF CHARLES L. RANDALL CONCERNING THE MICA INDUSTRY.

The mica industry has been an established industry of this country for a period of more than eighty years. The mica mines of this country, notably those existing in New Hampshire and North Carolina, have produced the finest mica in the world, both for export and domestic uses. About five years ago, mica mines in India, producing transparent and clear mica, were discovered, and up to that period India could not compete with the United States in quality, and hence mica had been exported largely for thirty years before, and the mica mines of the United States supplied both the foreign and domestic markets. The trade was thus brought to a stand-still in this country, inasmuch as the European productions were beginning to be imported largely, and in consequence of the labor market in India and elsewhere being so much lower, the competition became ruinous, and for the last five years some twenty-five mica mines and industries established at that time—the most of which were on a permanent basis—were forced to the wall and obliged to suspend operations, owing to the influx of cheap mica into this country.

There are now but two or three mica mines at work in this country, and yet mica abounds in New Mexico, Alabama, Tennessee, North Carolina, Georgia, Virginia, Colorado, Montana, Nevada, Utah, Texas, New Hampshire, and Maine. Eighty per cent. of the mica used in this country is imported free of duty. The reverse was the condition of the trade up to four years since. There has never been a time when this country was not able to supply the trade with a good article both for the stove trade and for electrical uses. The geological report of the United States Government abounds in statistics showing the nature and conditions of the trade here. Wherever found mica is known to be an economic mineral, but if a duty is placed upon it by the Government there will be found plenty of capital and energy displayed to develop the already suspended mines and the new undeveloped mines existing in the States previously mentioned.

American mica has been used ever since the formation of the electrical industries were established and is used to-day, and is in every way suitable for the purposes of insulation; and is, in the just opinions of unbiased experts, believed to contain a less per cent. of iron than the quality produced out of the country. In 1887 a medal and diploma was awarded to the Ruggles & Randall Mica Company, of Grafton, New Hampshire, by the Massachusetts Chart Mechanics Association, of Boston, and the claim of the company was for the best mica in the world for stove and electrical uses. All the specimens and products exhibited were entirely of American productions.

The capacity of the mines of North Carolina, and the Palermo, Valencia, Randall, Ruggles & Randall, Alexandria, American, Grafton, Springfield, Wilmot, Dorchester Mica Mines of New Hampshire are unlimited and these American mines can supply this country with a good article every way suitable for use at a fair price above the cost of production.

The mica business is not an experiment here, but has been an established industry for many years; but it needs the fostering hand of protection on the part of the Government to stimulate and protect the mines as others are protected in their various industries. The capacity of the Ruggles & Randall mica mines of Grafton and Alexandria and the Palermo mica mines at Groton alone will furnish to the trade 500,000 pounds of dressed mica of all sizes, from 3 inches up to extreme sizes, say 10, 12, 15, and 18 inches. A solid block of mica has been taken from the foregoing mines; weighs a half a ton; of eighteen inches dimensions. No country in the world has produced the large sizes of mica that our country has produced. In 1851 at the London Art Exhibition a block of mica weighing 200 pounds and measures more than 3 by 4 feet, was sent from the Ruggles & Randall mica mines of New Hampshire, and a medal was awarded; also a medal and diploma was awarded for the best mica in the world. In 1867 at the French Exposition at Paris a medal and diploma was awarded the Randall Brothers for the finest collection of mica ever exhibited, and over fifteen medals and as many diplomas have been awarded by the different States at exhibits held in those States to the Ruggles & Randall mica producers, covering a period of forty years.

A duty will protect the American producer, and should a scarcity in any one year ever occur, which is hardly possible, with the energy displayed by Americans for developing the mining industries of the country, the slight duty imposed by the Ways and Means Committee and ratified by the House of Representives will in no wise work great hardship or forfeiture to the consumer or manufacturer here. Mica mining is a thoroughly American enterprise and should be protected as well as the electrical manufacturers or the stove founders who are fully protected by the liberal and stimulating policy of the McKinley bill.

At the Ruggles & Randall mines at Grafton, N. H., Messrs. Randall have expended over $120,000 in driving two tunnels several hundred feet under a mountain, built engine houses, placed two 50 horse-power boilers, hoisting-drum, steam-drills, large workshops, dwelling-houses, car-tracks, also built roads through the woods to the mines. And today all this immense plant is dead, though they could land here and lay at your doors over 10 tons of merchantable mica within twenty days, but not to be sold at the price of 10, 20, or 30 cents a pound, as they can not mine at the price of India labor, viz: 50 cents per month, nor at the price of Canadian labor, 70 to 80 cents per day.

When the parties who represent the interests of the electrical manufacture were before the Ways and Means Committee, it was suggested by Mr. Randall that they be recalled before they left the committee room so that Mr. Randall might have some questions put to them as to whether they had ever found fault with the mica which had been furnished by the Messrs. Randall to their company, but the parties immediately left the room.

The amount of powder, dynamite, hammers, picks, died-steel shovels, and many other tools, are all produced by labor, and which costs many thousand dollars annually. Now when you consider that there has been twenty-one places opened in New Hampshire during the last twelve

years, but one of which is now at work, and in North Carolina there has been thirty-three places where mica has been obtained, and not one at work to-day, you can judge that the mica miners ought to have relief. The amount of wages which was paid in New Hampshire previous to the heavy importation of mica from India and Canada had reached $7,000 per month at one mine.

There is now a duty against us in shipping to Canada, while it is on the free list coming from them to us. If the countries of Japan and China, with their millions, enter into the mica industry, and Russian Siberia, with nearly 80,000 political and other prisoners, join with the India and Canada influx of mica, there will not be a pound of American mica mined, and those who have made it their life business will be compelled to go either to Japan or Europe or Asia, feeling that our American country has banished them in order to protect the electrical manufacturers who boast of profits of 100 per cent., and the stove manufacturers, who are so well protected that even a hand-stove or a warming-pan can not be brought to this country because of the great protection which the stove trade has demanded. On page 1084, Revision of Tariff, Mr. Richardson says:

It is not a question of quality, but it is just a mere matter of getting the mica of the needed size. The American miners do not produce that size mica, naming 1½ by 7 and 1½ by 10 inches.

On page 1186, testimony before the Ways and Means Committee, Mr. Webster, representing the Thompson-Houston Company, says:

We have no objection to using the American mica, only now it is difficult to obtain a supply of mica to keep our hands employed.

Now the only reason why they can not obtain the supply of American mica is, the Americans can not mine their sizes for prices in competition from India and Canada.

CHARLES L. RANDALL,
President of Ruggles & Randall Mica Company, Grafton, N. H.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 233.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 1890.—Ordered to be printed.

Mr. MORGAN submitted the following

RESOLUTION:

Resolved, That the Secretary of the Interior be directed to inform the Senate what number of cases are now pending in his Department, in which the claims of settlers are antagonized by the Northern Pacific Railroad Company, or by other companies whose roads were not constructed within the time required by the granting acts. And whether said Northern Pacific Railroad Company is now seeking a reversal of previous decisions of the Department of the Interior, favoring settlement claims. And whether said Northern Pacific Railroad Company has at different times filed different maps of general route for any portion of its line through the same part of the country, and if so, whether public lands have been withdrawn from settlement and entry along each of said lines as the same was changed, or along additional routes, prior to the definite location of the line of such portion of road, and whether the Department of the Interior maintains, or has maintained such withdrawals as an exclusion of the right of settlement and entry, prior to definite location. And, specifically, what are the decisions of his Department upon the point of the legality of withdrawals on second or subsequent maps of general route, so filed, and of the validity of such indemnity withdrawals as against settlement rights under the terms of the grant to said company. And whether said company is seeking the reversal of previous decisions of the Department upon said points.

And he will further inform the Senate whether said Northern Pacific Railroad Company failed to definitely locate any portion of its road during the period within which, by the conditions of its charter, the road was required to be constructed, and what the decisions of his Department are upon the point of the legal right of a railroad company to definitely locate a line of road after the period when, by law, the entire road was required to have been completed. And whether the decision of Mr. Secretary Chandler upon this point has ever been overruled by subsequent departmental decisions, or by the courts, and if not, whether the principle of said decision is applied in the practice of the Department to the said Northern Pacific Railroad Company.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 234.

IN THE SENATE OF THE UNITED STATES.

SEPTEMBER 10, 1890.—Ordered to be printed.

Mr. MORGAN submitted the following

RESOLUTION:

Resolved, That the conferees on the part of the Senate on the disagreeing votes of the two Houses be instructed to insist on the following additions to the amendments to Senate bill 2781, to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, reported by the majority of said committee to the Senate:

First. Insert at the end of section 5 of said bill so reported, the following:

All lands granted to the Northern Pacific Railroad Company, under any law of the United States, between the western border of Minnesota and a south and north line drawn through Tacoma, in the State of Washington, shall be and remain subject to the mining laws of the United States, as long as the same are held by said railroad company, or by any person holding under said company, whose claim dates within five years before the approval of this act, and said lands may be acquired, held, and disposed of, in respect of any mineral deposits on the same, except coal and iron, under such mining laws, in the same manner as if the same were a part of the public domain. If said Northern Pacific Railroad Company shall at any time release to the United States its claims of every kind on any section or sections of land that contain minerals, except coal and iron, which are not forfeited under this act, the Secretary of the Interior shall cause to be selected and set apart to said railroad company an equal number of sections of agricultural, or timber land, belonging to the public domain, and not reserved or occupied by a homestead settler, and being within fifty miles of the existing line of said railroad, which selections should be in lieu of and in full compensation for the mineral lands so released to the United States. And the lands so released to the United States shall thereupon become a part of the public domain, subject to the lawful rights of any miner, or mining company, acquired, or hereafter to be acquired therein, or the lawful rights of any homestead settler on said lands, or any legal subdivision thereof, and that the conferees on the part of the Senate are further to insist upon the following as a section to be added to said bill, with its proper number:

SEC.—. That the right to alter and amend this act, and any act under which lands are granted to the Northern Pacific Railroad Company, not inconsistent with the rights vested in said company under such acts

of Congress, is hereby reserved and retained, and the further right is retained in Congress to hereafter declare a forfeiture of any lands heretofore granted to said railroad company for just cause.

And said conferees are further instructed to insist that the provisions of section 8, of the amendment reported by the conference committee, relating to the lands granted in aid of the Mobile and Girard Railroad Company, shall apply to every land-grant railroad company in the United States, whose railroad is not completed and in operation through the entire extent of its line as the same was located on the maps of definite location, filed in the Department of the Interior, and approved by the proper officer according to law.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 235.

IN THE SENATE OF THE UNITED STATES.

SEPTEMBER 15, 1890.—Ordered to be printed.

Mr. PLUMB, from the Committee on Public Lands, submitted the following

LETTER FROM THE COMMISSIONER OF THE GENERAL LAND OFFICE RELATIVE TO THE BILL (S. 4161) REQUIRING THE UNITED STATES TO DEFEND THE TITLES OF HOMESTEADERS IN CERTAIN CASES.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 30, 1890.

SIR: As directed by your reference of the 8th instant of a copy of Senate bill No. 4161, Fifty-first Congress, first session, entitled "A bill requiring the United States to defend the title of homesteaders under the laws of the United States in all suits where the land is claimed to be mineral because of phosphate deposits," transmitted to you by Hon. P. B. Plumb, chairman of the Senate Committee on Public Lands, I have the honor to return herewith the bill, with this my report thereon in duplicate.

The bill reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That in all cases where a homestead entry has been made in conformity with the laws of the United States, or where an application has been made to enter under the homestead laws land subject under the laws to be entered as a homestead by a person having a right to make such entry, and suit shall be brought against such homesteader or applicant for a homestead involving the title to said land on the ground that the title of the said land was not in the United States at the time of such entry or application to enter said land, it shall be the duty of the district attorney of the United States to defend the title of the person making such entry or making application to enter the same, and, if necessary, to take the case by writ of error to the Supreme Court of the United States.

SEC. 2. That where land contained in any homestead entry shall, subsequent to such entry and to the issuing of a final certificate of entry, or where subsequent to the entry of a homesteader under his homestead application a claim to such land, or to any part of it, shall be made under the mineral laws of the United States on the ground that such land contains phosphate deposits, it shall be the duty of the United States to defend the title of such homesteaders and pay the costs of suit.

Prior to the issuance of patent this Department has full and complete jurisdiction over all lands covered by homestead entries, and the present law and regulations are ample for the protection of such claimants in their rights.

In other words, "in all cases where a homestead entry has been made in conformity with the laws of the United States, or where an application has been made to enter under the homestead laws land subject, under the laws, to be entered as a homestead by a person having a right to make such entry," the Department has the power, under

existing laws, to issue a patent thereon, the only exception being in case valuable deposits of mineral should be discovered on the lands prior to such patenting.

If, however, it is the intent of this bill to continue the protection named beyond the issue of patent, a homestead patent would in that case be equivalent to a warranty deed; in fact, it would vest in the patentee a stronger and much more invulnerable title than one individual can convey to another by the usual deed of conveyance. The Government has never yet undertaken to warrant or defend its patent, and to do so now would greatly increase the labors of the district attorney's office, and bring additional expense upon the Government in its magnanimous effort to provide homes for its citizens.

Furthermore, the passage of the bill would have a tendency to encourage litigation, and thereby burden our already overcrowded courts; entries would be made regardless of the fact as to whether the land was public or not; the entryman would have nothing to fear, as he would be protected by the United States. Some would even go so far as to use the name of the United States as a source of black-mail, knowing full well that individuals and others do not care to come in contact with the Government in a suit at law. As the law now stands, settlers exercise great care, and avoid getting into litigation, if possible; this is as it should be, and in order to preserve and continue this fidelity to good order and law, no inducements should be held out in the way of protection by the Government beyond departmental jurisdiction.

A patent from the United States conveys whatever title the Government may have, and nothing more, being in this respect in the nature of a quitclaim.

As to the second section of said bill, it is similar in effect to that of Senate bill No. 3817, of the present Congress, reported upon adversely by my letter "N" of May 20, 1890, and contains the same general objectionable features, mainly in this, that it singles out phosphate from the other numerous minerals, phosphate being a mineral known or supposed to be valuable only in the State of Florida. While the bill would relieve settlers in said State, it would leave settlers in other States and Territories, who are equally entitled to the same consideration, without any adequate means of relief, which, to say the least, would be unjust discrimination, and therefore against public policy.

Viewing this bill in the light above expressed, I can not recommend its passage; but universal relief in this matter should be afforded all settlers under the homestead and pre-emption laws as proposed by the draught of a bill submitted with my said letter "N" of May 20, 1890, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who has made or who may hereafter make an entry, at any proper land office, under the homestead or pre-emption laws, of any lands of the United States, not known at the time to contain valuable deposits of mineral, shall have the right, upon complying with the further requirements of the law in other respects, to receive a patent for the land so entered, notwithstanding any discovery of mineral deposits upon or under the surface of any of said lands after the date of such entry: *Provided*, That this act shall not affect the status of any entry heretofore canceled.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

The SECRETARY OF THE INTERIOR.

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51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 236.

IN THE SENATE OF THE UNITED STATES.

SEPTEMBER 15, 1890.—Ordered to be printed.

Mr. PLUMB, from the Committee on Public Lands, submitted the following

LETTER FROM THE SECRETARY OF THE INTERIOR, TRANSMITTING REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE ON THE BILL (S. 4176) TO LIMIT THE RIGHT OF ENTRY IN CERTAIN CASES.

DEPARTMENT OF THE INTERIOR,
Washington, July 28, 1890.

SIR: I am in receipt, by reference, of Senate bill 4176, "to limit the right of entry under the pre-emption, timber culture, desert land, and homestead laws in Wyoming," which was referred to the Commissioner of the General Land Office, a copy of whose report thereon is herewith transmitted.

The provisions of this bill are similar to those contained in Senate bill 4187, applicable to all the States and Territories, which was considered in my communication of this date addressed to you.

As Senate bill 4187 is general in its application there would seem to be no necessity for the passage of Senate bill 4176.

Very respectfully,

JOHN W. NOBLE,
Secretary.

Hon. P. B. PLUMB,
Chairman Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 23, 1890.

SIR: I have had the honor to receive by reference from the Department of July 14, 1890, for report in duplicate and return of paper, Senate bill No. 4176, "to limit the right of entry under the pre-emption, timber culture, desert land, and homestead laws in Wyoming," transmitted to the Department by honorable P. B. Plumb, chairman of the Senate Committee on Public Lands, with a request for the views of your Department thereon.

In reply I have the honor to report that on July 21, 1890, this office reported on Senate bill No. 4187, which contained similar provisions but applicable to all of the States and Territories containing public lands.

As said report applies equally to the present bill, I transmit a copy thereof herewith.

The bill is herewith returned.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 21, 1890.

SIR: I have had the honor to receive by reference from the Department of July 14, 1890, for report in duplicate and return of paper, Senate bill No. 4187, "to limit the right of entry under the pre-emption, timber-culture, desert land, and homestead laws," transmitted to the Department by honorable P. B. Plumb, chairman of the Senate Committee on Public Lands, with a request for the views of your Department thereon.

This bill proposes to enact—

That after the date of the approval of this act no person shall enter any of the public lands of the United States in any State or Territory of the United States under the laws providing for timber culture or the irrigation of desert lands, or under the homestead or pre-emption laws of the United States who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or of the United States forbidding any such crime; or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, consents, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of any State or Territory prescribing rules of civil conduct are not the supreme law of the State; and the Secretary of the Interior shall make all needful regulations to carry this act into effect.

If enacted it would have the effect to defeat existing settlement rights on the public lands, and to turn out of their homes thereon any families whose responsible heads may be considered by the officials of the Land Department to come within its meaning and allow of the appropriation of their improvements by others, thereby involving the irresponsible members of such families in the evil consequences.

The bill might be so amended as to make it prospective in its operation, and prevent the breaking up of homes already established on the public lands under existing settlements, and, also, so as to limit its effects to such persons as may have been convicted of offenses against the laws on the subject of polygamy.

The provisions against persons aiding or encouraging any society which teaches or advises that "the laws of any State or Territory prescribing rules of civil conduct are not the supreme laws of the State" is probably put in broader terms than was intended, as it seems to include the whole body of the law and to admit of the construction that

it is intended to apply to any society that teaches the abstract principle known as the doctrine of the "higher law," which would include a class of persons not at all inclined to favor the practice of polygamy.

I am not prepared to recommend the bill as it now stands, but as a measure of legislation would leave it, with the above suggestions, to the wisdom of Congress.

The bill is herewith returned.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

The SECRETARY OF THE INTERIOR.

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51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 237.

IN THE SENATE OF THE UNITED STATES.

SEPTEMBER 17, 1890.—Ordered to be printed.

Mr. BLAIR submitted the following

DOCUMENTS IN CONNECTION WITH HIS SPEECH OF SAME DATE IN SUPPORT OF SENATE JOINT RESOLUTIONS 11 AND 18, PROPOSING AN AMENDMENT OF THE CONSTITUTION TO CONFER REPRESENTATION TO THE DISTRICT OF COLUMBIA IN THE TWO HOUSES OF CONGRESS AND IN THE ELECTORAL COLLEGE.

[S. R. 11, Fifty-first Congress, first session, December 5, 1889.]

JOINT RESOLUTION proposing an amendment to the Constitution to confer representation to the District of Columbia in the two houses of Congress and in the electoral college.

Whereas the people of the District of Columbia are subjected to taxation without representation, contrary to a fundamental principle of all free government: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as a part of the Constitution, namely:

"ARTICLE XVI.

"SEC. 1. That the District of Columbia shall be entitled to representation in the Congress of the United States by one Senator and by one or more Representatives, according to the rule of apportionment established by Article XIV of the Constitution. Said District shall also be entitled to as many electors for President and Vice-President of the United States as it has members of Congress.

"SEC. 2. That Congress shall provide, by law, the times and manner of choosing the Senator, the Representative or Representatives, and the electors authorized by this article."

[S. R. 18, Fifty-first Congress, first session, December 9, 1889.]

JOINT RESOLUTION proposing an amendment of the Constitution to confer representation to the District of Columbia in the two Houses of Congress and in the electoral college.

Whereas the people of the District of Columbia are subjected to taxation without representaion, contrary to a fundamental principle of all free government: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That the following article be proposed to the legislatures of

the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the Constitution, namely:

ARTICLE XVI.

"SECTION 1. The District of Columbia shall be entitled representation in the Congress of the United States by one Senator and by one or more Representatives, according to the rule of apportionment established by Article XIV of the Constitution. Said District shall also be entitled to as many electors for President and Vice-President of the United States as it has members of Congress: *Provided*, That such representation in the Congress shall not participate in joint convention of the two houses, nor in any proceeding touching the choice of President or Vice-President, nor in the organization of either house of Congress, nor speak or vote upon any question concerning the same.

"SEC. 2. Congress shall provide by law the time and manner of choosing the Senator, the Representative or Representatives, and the electors authorized by this article."

Petition of the Committee of One Hundred.

[Congressional Record, May 18, 1890. No. 127.]

Mr. BLAIR: I present a petition signed by Dr. Robert Reyburn, president of the Committee of One Hundred, of the District of Columbia, and various other members of the committee, representing the aggregate committee, in favor of so amending the Constitution of the United States as to authorize the District of Columbia to be represented in Congress and in the electoral college by men of their own choice. The petition is addressed to the Senate and House of Representatives, and as it is very brief and the Committee of One Hundred of the District of Columbia being the petitioners, I ask that it be printed in the Record, and as the matter has been reported upon and is now upon the Calendar, I move that the petition lie upon the table.

There being no objection, the petition was ordered to lie on the table, and to be printed in the Record, as follows:

Memorial in favor of so amending the Constitution of the United States as to authorize the District of Columbia to be represented in Congress and in the electoral college by men of their own choice.

To the Senate and House of Representatives of the United States:

Your memoralists, on behalf of the Committee of One Hundred, a committee composed of delegates from citizens' associations in the District of Columbia, respectfully represent that the people of said District are subjected to taxation without representation, and are dominated by laws in whose enactment and execution they are not consulted. Under the Constitution of the United States as it now is they have not and can not have a vote in the legislature which makes their laws and imposes their taxes, nor in the college of electors which chooses their chief executive officer, the President. Plainly they are not the people about whom Mr. Webster was speaking in the Dorr Rebellion case when he said:

"He who considers that there may be, is, or ever has been, since the Declaration of Independence, any person who looks to any other source of power in this country than the people must be out of his mind, even more than Don Quixote. His (Don's) imagination was perverted. He saw things not as they were, though what he saw were things. He saw windmills, and took them to be giants, knights on horseback. This was bad enough; but whoever says or speaks as if he thought that anybody looks to any other source of political power in this country than the people must have a stronger and wilder imagination, for he sees nothing but the creations of his own fancy. He stares at phantoms."

The people Mr. Webster was talking about were constitutional people, "the people of the several States." Undoubtedly they are sovereign under our system of government. Nobody denies that. But the trouble is, the District of Columbia is not a State within the meaning of that term as used in the Constitution, and its people are not the people of a State, and form no part of the governing body in the Republic. They are subjects, not sovereigns, and have no political rights which anybody is bound to respect.

It is this condition of enforced dependence of which they complain. They are unable to see why they should be excluded from participation in the General Government any more than the people of State capitals should be excluded from participation in State governments. The principle involved in the one case is the same as in the others; and your memorialists have never heard of any harm coming to the States by reason of their allowing the people of their capitals to be represented in their legislatures or to vote for their governors.

The fact is, the exclusion of the people of the national capital from representation in Congress and in the electoral college is not only an unfair discrimination against a large and intelligent community, but is, as we think, wholly unnecessary—a needless reproach to Republican institutions. There is nothing, so far as we can see, in the relation of the States to their capital which should shut the doors of either House of Congress against District representatives, or bar them from the college of electors. But before the doors can be opened or the bar let down the Constitution must be amended; and it is for the purpose of requesting your honorable bodies to submit such amendment, either the one now pending in the Senate or some other of like import, to the legislatures of the several States for their consideration and action that this memorial is offered. While denied all political rights, we suppose the right of petition may be conceded to us, and this is our petition.

Very respectfully, etc.,

ROBERT REYBURN, M. D.,
President Committee of One Hundred.
CHAS. E. HOVEY.
THEODORE L. DE LAND,
CHARLES KING,
R. T. MORSELL,
JEREMIAH WILT.
J. L. FRENCH.
A. J. CURTIS.

PROPOSED AMENDMENT TO THE CONSTITUTION.

Whereas the people of the District of Columbia are subjected to taxation without representation, contrary to a fundamental principle of all free government: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the Constitution, namely:

ARTICLE XVI.

SECTION 1. The District of Columbia shall be entitled to representation in the Congress of the United States by one Senator and by one or more Representatives, according to the rule of apportionment established by Article XIV of the Constitution. Said District shall also be entitled to as many electors for President and Vice-President of the United States as it has members of Congress.

SEC. 2. Congress shall provide by law the time and manner of choosing the Senator, the Representative or Representatives, and the electors authorized by this article.

Petition of S. C. Clarke, and many others, for municipal government.

501 STANTON PLACE,
Washington, July 29, 1890.

SIR: I have the honor to inclose herewith a petition of residents of the District of Columbia and to request that it be formally submitted to the Senate of the United States for consideration. The petitioners are responsible and representative men—representing every quarter of the city of Washington and Georgetown and Anacostia and Mt. Pleasant and Le Droit Park and the county. They also represent all of the learned professions—bankers, teachers, business men, artists, artisans, mechanics, etc. They are earnest, thoughtful, determined men, with mature and abiding faith in their honest convictions, and nearly, if not entirely, permanent citizens and property-owners and tax-payers of this District, and every man consulted on the subject has been advised of his option either to sign the petition or to remonstrate against it.

For your convenience and easy reference the petition and remonstrance are forwarded in type and the original manuscript is held subject to your orders.

Very respectfully,

S. C. CLARKE.

Hon. HENRY W. BLAIR,
United States Senator, Washington, D. C.

To the Senate and House of Representatives of the United States:

We, your petitioners, residents of the District of Columbia, respectfully request that we may have for the proper protection of person and property in this District a municipal government, republican in form,

in which good citizens may have some voice, and under which our rulers shall be in some manner responsible to the people.

WASHINGTON, D. C., *May* 5, 1890.

S. C. Clarke, 501 Stanton Place; Josiah Millard, 530 Eighth street northeast; Leonard Sargeant, 623 Maryland avenue northeast; Evan H. Tucker, 100 F street northeast; H. H. Martin, 118 F street northeast; A. Girouard, 115 Tenth street northeast; W. C. Dodge, 116 B street northeast; Allen C. Clark, 117 Seventh street northeast; A. P. Clark, jr., 119 Sixth street northeast; John Chester, 328 Massachusetts avenue northeast; Louis A. Delwig, corner Massachusetts avenue and Second street northeast; Thomas Taylor, M. D., 238 Massachusetts avenue northeast; C. M. Clarke, 216 Fifth street northeast; M. I. Weller, 212 Sixth street southeast; McDowell & Sons, North Capitol street and Massachusetts avenue; Samuel H. Walker, 420 B street northeast; J. N. Walker, 418 B street northeast; R. T. Morsell, 456 Louisiana avenue; G. R. D. Mayne, 456 Louisiana avenue; Theodore L. De Land, 1912 Larch street, Le Droit Park; D. T. Jones, 637 B street northeast; William H. Barton, 336 B street northeast; H. W. Taylor, 100 Fifth street northeast; Hawkins Taylor, 56 B street northeast; Charles E. Hovey, 125 Indiana avenue; Appleton P. Clark, 119 Sixth street northeast; James N. Jirdinston, 1413 Corcoran street; Robert Reyburn, M. D., 2129 F street northwest; Noble D. Larner, 643 Louisiana avenue; John Miller, 606 Pennsylvania avenue and 324 New Jersey avenue southeast; George N. Holland, 1500 H street northeast; W. H. Gafford, Bladensburg road; S. A. H. McKim, M. D., 25 Fifth street southeast; H. M. Dexter, 726 Sixth street northwest; Charles A. Shields, 116 Fifth street northeast; Charles Allen, M. D., 1320 G street northwest; Hiram Pitts, Anacostia, D. C.; John E. Herrell, 926 Pennsylvania avenue southeast; S. Willard Saxton, Kenesaw avenue, Mount Pleasant; A. C. Richards, 1009 Eighth street northwest; John Leitch, 1409 Thirty-first street, Georgetown; Charles King, 1315 Twelfth street northwest; Columbus Alexander, 1647 Thirtieth street, Georgetown; William W. Whittlesey, 1012 C street southwest; Talbot C. Murray, 513 Second street northwest; John A. Duble, 319 Missouri avenue northwest; James Holmes, corner First and E streets northwest; Lewis Holmes, 49 E street northwest; John Holmes, 35 E street northwest; J. H. Crane, 516 Second street northwest; J. H. Crossman, 730 Twelfth street northeast; George Wagner, 1224 F street northwest; B. Mackall, The Shoreham, Fifteenth and H streets northwest; Thomas E. Young, 469 Pennsylvania avenue northwest; Frederick S. Young, 204 E street northwest; William A. Johnson, 735 F street northwest.

We, the undersigned, are opposed to the foregoing proposition, and hereby respectfully dissent therefrom.

C. H. Parker, 435 Four-and-a-half street southwest.

[Senate Mis. Doc., No. 126. Fiftieth Congress, first session.]

Memorial of citizens,

Those politicians and statesmen who have been the most celebrated for the soundness of their principles, and for the justness of their views, have declared in favor of a single executive.—*Federalist, No. 69 (Hamilton).*

A great principle, lying at the foundation of all free government, is that the legislative and executive departments shall be kept separate.—*Mr. Justice Miller.*

Taxation is no part of the governing or legislative power. Taxes are the voluntary gift or grant of the commons alone.—*William Pitt.*

Political slavery is that state in which any community is divested of the power of self-government, and regulated by laws to which its assent is not required and may not be given.—*John Randolph.*

Next to the equality of the States, and inclusive of it, is the system of local government for local purposes.—*S. S. Cox.*

The Commissioners could not do more toward bringing scandal upon the District and prejudicing its interests before Congress and the country than by pressing toward autocratic rule.—*Wm. L. Wilson.*

THE SEAT OF THE GOVERNMENT OF THE UNITED STATES.

In October, 1783, the Congress of the Confederated States began to discuss the question of a site for the national capital and to take into consideration the many pecuniary and other inducements offered by various States and cities, and the advantages of twenty different localities which were proposed, and continued the discussion without result until September, 1788.

When the Constitution of the United States took effect in 1789, it contained this provision among the enumerated powers of Congress, namely:

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States.

Where this "district" should be located had to be determined, and the Congress of the United States, sitting in New York, took up the matter for consideration in May, 1789, and subsequently, July 16, 1790, accepted a location on the banks of the Potomac River as the result of a compromise effected by Hamilton and Jefferson, representing, respectively, the wishes of the Northern and Southern States.

The following is the original act of acceptance and location:

AN ACT for establishing the temporary and permanent seat of the Government of the United States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a district of territory, not exceeding ten miles square, to be located as hereafter directed on the River Potomac, at some place between the mouths of the Eastern Branch and Conococheague, be, and the same is hereby, accepted for the permanent seat of the Government of the United States: *Provided, nevertheless,* That the operation of the laws of the State within such district shall not be affected by this acceptance until the time fixed for the removal of the Government thereto, and until Congress shall otherwise by law provide.

SEC. 2. *And be it further enacted,* That the President of the United States be authorized to appoint, and, by supplying vacancies happening from refusals to act or other causes, to keep in appointment as long as may be necessary three commissioners, who, or any two of them, shall, under the direction of the President, survey and, by proper metes and bounds, define and limit a district of territory under the limitations above mentioned; and the district so defined, limited, and located shall be deemed the district accepted by this act for the permanent seat of the Government of the United States.

SEC. 3. *And be it [further] enacted,* That the said commissioners, or any two of them, shall have power to purchase or accept such quantity of land on the eastern side of the said river, within the said district, as the President shall deem proper for the use of the United States; and according to such plans as the President shall approve, the said commissioners, or any two of them, shall, prior to the first Monday in December, in the year one thousand eight hundred, provide suitable buildings for the accommodation of Congress, and of the President, and for the public offices of the Government of the United States.

SEC. 4. *And be it [further] enacted,* That for defraying the expense of such purchases and buildings the President of the United States be authorized and requested to accept grants of money.

SEC. 5. *And be it [further] enacted,* That prior to the first Monday in December next all offices attached to the seat of the Government of the United States shall be removed to and, until the said first Monday in December, in the year one thousand eight hundred, shall remain in the city of Philadelphia, in the State of Pennsylvania, at which place the session of Congress next ensuing the present shall be held.

SEC. 6. *And be it [further] enacted,* That on the said first Monday in December, in the year one thousand eight hundred, the seat of the Government of the United States shall, by virtue of this act, be transferred to the district and place aforesaid, and all offices attached to the said seat of Government shall accordingly be removed thereto by their respective holders, and shall, after the said day, cease to be exercised elsewhere; and that the necessary expense of such removal shall be defrayed out of the duties on imposts and tonnage, of which a sufficient sum is hereby appropriated.

Approved, July 16, 1790.

This original act was subsequently amended as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act entitled "An act for establishing the temporary and permanent seat of the Government of the United States" as requires that the whole of the district of territory, not exceeding ten miles square, to be located on the River Potomac, for the permanent seat of the Government of the United States, shall be located above the mouth of the Eastern Branch, be and is hereby repealed, and that it shall be lawful for the President to make any part of the territory below the said limit, and above the mouth of Hunting Creek, a part of the said district, so as to include a convenient part of the Eastern Branch, and of the lands lying on the lower side thereof, and also the town of Alexandria, and the territory so to be included shall form a part of the district, not exceeding ten miles square, for the permanent seat of the Government of the United States, in like manner and to all intents and purposes as if the same had been within the purview of the above recited act: *Provided,* That nothing herein contained shall authorize the erection of the public buildings otherwise than on the Maryland side of the River Potomac, as required by the aforesaid act.

Approved, March 3, 1791.

Maryland had already, in 1788, authorized the cession of any district in the State, not exceeding 10 miles square, which Congress might accept, and Virginia, in 1789, had ceded any district within that State, not exceeding 10 miles square, which Congress might accept, with the qualification, however, that the jurisdiction of the laws of the State over that portion ceded should not cease until Congress had provided by law for the government thereof, under the proper provision of the Constitution.

Maryland's act of cession was as follows:

Be it enacted by the general assembly of Maryland, That the Representatives of this State in the House of Representatives of the Congress of the United States, appointed to assemble at New York on the first Wednesday of March next, be, and they are hereby, authorized and required, on behalf of this State, to cede to the Congress of the United States any district in this State not exceeding ten miles square, which Congress may fix upon and accept for the seat of Government of the United States.

Passed the 23d December, 1788.

By a supplementary act, passed the 19th December, 1791, ratifying the cession, the assembly

Provided, That nothing herein contained shall be so construed to vest in the United States any right of property in the soil as to affect the rights of individuals therein otherwise than the same shall or may be transferred by such individuals to the United States.

The Virginia act of cession contained a similar provision.

In pursuance of these acts of Maryland and Virginia, Congress, on July 16, 1790, authorized the President to appoint three commissioners to locate a territory of 10 miles square between the mouths of the Eastern Branch and the Conococheague, which is a branch of the Potomac River above Harper's Ferry.

This act of July 16, 1790, also provided that the operation of the laws of the respective ceding States should not be affected by the cession until the date of removal of the Government thereto on the first Monday of December, 1800, "or until Congress shall otherwise by law provide."

The boundaries first laid out by the commissioners were not satisfactory, and Congress, on March 3, 1791, amended the former act, and authorized a location—

below the Eastern Branch, and above the mouth of Hunting Creek, so as to include a convenient part of the Eastern Branch and the lands lying on the lower side thereof, and also the town of Alexandria—

and a new location of the boundaries was made by the commissioners, which existed until the Virginia portion was receded in 1846, and remains as to the boundaries of the portion ceded by Maryland, which has since that date constituted the District of Columbia.

President Washington, by proclamation of March 30, 1791, announced the boundaries as finally settled by the commissioners.

On April 19, 1791, the President contracted with the principal owners of the land upon which he had determined to establish the capital city, and these proprietors conveyed, by deeds dated June 29, 1791, these lands to trustees, to be by them conveyed to the commissioners, who had, under the act authorizing their appointment, the power to purchase or accept lands for the site of the capital city within the District, to make plans for the city subject to the approval of the President, and to provide public buildings. To defray such expenses the President was authorized and requested to accept grants of money.

The territory designated for this site of the capital had the little villages of Hamburgh and Carrollburgh upon it, and certain lot-owners in these villages, as well as a few other small proprietors, would not sell their lands, and so the State of Maryland was called upon for legislation. Accordingly Maryland, by act of December 19, 1791, ceded formally its part of the territory of Columbia as finally located, reserving jurisdiction of law over the same "until Congress shall by law provide for the government thereof in accordance with the provisions of the Constitution," and provided for the condemnation of the lands before mentioned, whose owners, "from imbecility and other causes," would not sell; for the recording of deeds within the ceded territory; for a mechanic's lien upon houses to be erected in the capital city; and authorized the commissioners to make regulations concerning wharves, the building of houses, and the sale of spirituous liquors; and directed a loan of $72,000 to be paid at once for the use of the new city.

By the deed of the proprietors of the land the trustees were obliged to convey to the commissioners, for the use of the United States, forever, all the streets, and such of the squares, parcels, and lots as the President should deem proper for the use of the United States. The residue of the lots were to be divided equally; one-half was to be reconveyed to the original proprietors, and the other half was to be conveyed to the United States, to be sold at such times and upon such terms as the President might direct, and the proceeds of the sales of the Government lots were to be applied to the erection of public buildings and the improvement of streets.

Even before the complete acquisition of the land for the capital city it had been laid out in its principal features by L'Enfant, a French engineer, and the commissioners began in October, 1791, to sell the public lots. L'Enfant went on and completed his plans, and Washington sub-

mitted the same to Congress on December 13, 1791. Subsequently L'Enfant was dismissed, and Mr. Elliott completed, with some modifications, the plan for the city of Washington substantially as it now exists.

Thus the year 1791 may be assigned as the date of the birth of the District of Columbia, as then the territory had been accepted and designated, the city of Washington had been laid out and named, and money had been provided to some extent to commence the work of building.

BUILDING OF THE CAPITAL CITY.

The plan of the city was designed upon a magnificent scale. It covered 7,161 acres, divided as follows:

	Acres.
Taken by the Government for streets, avenues, and alleys	3,604
Taken by the Government for public reservations and buildings	541
Taken by the Government 10,136 lots donated to the Government	1,508
Total taken by the Government	5,653
10,136 lots conveyed to their original proprietors	1,508
	7,161

The 541 acres selected for public reservations were to be paid for at $66.66 per acre, and the money to make the payment was obtained by the sale of lots donated by the citizens. The 3,064 acres taken by streets and avenues were also a free gift from the citizens to the Government; so that the United States did not pay a cent for any of the land.

It will be noticed that more than one-half of the entire area was to be used for streets, avenues, and alleys; a proportion without parallel in other cities before or since. This was a free gift to the Government. The 541 acres taken for public reservations and buildings were to be paid for at the rate of $66.66 per acre, but as this land was paid for out of the proceeds of the sales of lots which had been donated to the Government, it will be seen that the Government paid nothing for five-sevenths of the entire area of the city of Washington.

Upon this ample space the Government proposed a capital city which should meet the wants and respond to the pride of the country for all time.

The following, from the Philadelaphia Herald of January, 1795, indicates the popular sentiment of that day:

> To found a city for the purpose of making it the depository of the acts of the Union, and the sanctuary of the laws which must one day rule all North America, is a grand and comprehensive idea, which has already become with propriety the object of public respect. The city of Washington, considered under such important points of view, could not be calculated upon a small scale; the disposition of its avenues and public squares should all be compared with the magnitude of the objects for which it was intended, and we need only cast our eyes upon the situation and the plan of the city to recognize in them the comprehensive genius of the President, to whom the direction of the business has been committed by Congress.

In a Senate report of later date (1835) the following statement is made:

> The plan of the city was formed by the public authorities; the dimensions of the streets determined by them, without interference by the inhabitants, or regard to their particular interest or convenience. It is a plan calculated for the magnificent capital of a great nation; but oppressive, from its very dimensions and arrangements, to the inhabitants, if its execution to any considerable extent is to be thrown upon

them. No people who anticipated the execution and subsequent support of it out of their own funds would ever have dreamed of forming such a plan. It would have been the most consummate folly. At that period neither the Government nor the proprietors anticipated that the whole, or even a large proportion, of the burden should be thrown upon the inhabitants of the city. (Mr. Southard's report, second session Twenty-third Congress.)

It was understood at the time the capital city was planned that the General Government was to open and improve the streets, as is shown by various acts of Congress and by the correspondence of Washington and Jefferson with the commissioners, it being supposed that from the proceeds of the sales of its city lots by the Government a fund would be raised sufficient for the erection of the public buildings and the improvement of the streets, this fund being carried on the books of the commissioners as the "city fund." Washington, in a letter to the commissioners of December 14, 1795, says:

When you are in a situation to begin the opening of the avenues, it is to be presumed that those which will be more immediately useful will be first cleared.

Jefferson writes to them August 29, 1801:

I consider the erection of the Representatives' Chamber and the making a good gravel road from the new bridge on Rock Creek along Pennsylvania and Jersey avenues to the Eastern Branch the most important objects for insuring the destinies of the city which can be undertaken.

And in his message to Congress, January 11, 1801, he speaks of the lots as being sufficient to meet certain demands and "insure a considerable surplus to the city, to be employed for its improvement," and suggested that the sale of the lots be not forced beyond the demand for them, lest "the residuary interest of the city be entirely lost."

When Congress in 1790 had directed the commissioners to have the Capitol, the President's House, and the Department buildings ready for occupancy in December, 1800, it had made no appropriation for that purpose. Under authority "to accept grants of money" the President accepted from Virginia $120,000 and from Maryland $72,000, which those States had agreed, in 1790, to advance for the erection of the public buildings. In 1792 the President, after the close of the public sale in October, authorized the commissioners to sell at private sale any of the lots donated, and in December, 1793, they sold 6,000 of the lots to Greenleaf & Morris. As, however, the sums thus realized were not sufficient to complete the buildings, Congress, by act of May 6, 1796, authorized the commissioners to borrow $300,000, and to pledge the remaining lots as security, and out of the proceeds to pay the "original proprietors any balances due to them."

The commissioners were unable to borrow this amount, but finally succeeded in getting $200,000 from the State of Maryland in United States 6 per cent. bonds at par upon the security formerly offered and their own personal bonds for double the amount. These bonds were converted into money at the rate of 65 per cent., and netted $130,873.41—a most significant indication of the poverty of the country and the low estimate of the permanence of republican institutions. These funds were not sufficient, and in February, 1800, $50,000 more of bonds were borrowed by the commissioners from the State of Maryland, upon the same security as the previous bonds, and from the sale of these bonds the sum of $40,488.96 was realized. By means of all these sources of revenue the commissioners managed to have the public buildings in a greater or less degree of completion, and a city with some of the streets opened through the trees and over the swamps and barely passable, when in 1800 the Government formally established its headquarters at Washington.

THE FUTURE GOVERNMENT OF THE DISTRICT OF COLUMBIA AS UNDERSTOOD AT AND SOON AFTER THE ADOPTION OF THE CONSTITUTION.

The article of the Constitution referring to this particular was very general in its terms, and there were questions as to the precise way in which Congress, if it saw fit, should or would exercise the power of "exclusive legislation."

Madison's opinion of the meaning and mode of action of the article is found in the "Federalist," No. XLIII:

And as it is to be appropriated to this use with the consent of the State ceding it; as the State will no doubt provide in the compact for the rights and the consent of the citizens inhabitating it; as the inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them; and as the authority of the legislature of the State and the inhabitants of the ceded part of it, to concur in the cession, will be derived from the whole people of the State in their adoption of the Constitution, every imaginable objection seems to be obviated.

In February, 1803, resolutions providing for the retrocession of the District to its original States were discussed in Congress in Committee of the Whole House. The reasons urged for retrocession were these:

(1) That exclusive jurisdiction is not necessary nor useful to the Government.

(2) That it deprived the inhabitants of the District of their political rights.

(3) That much of the time of Congress was spent in legislating for the District.

(4) That the government of the District is expensive.

(5) The incompetency of Congress to legislate for the District, because its members are strangers to its local interests.

(6) This is an example of a government without representation; an experiment dangerous to the liberty of the States.

The reasons urged in reply were these:

(1) That the usefulness and probable necessity of exclusive jurisdiction might be inferred from the experience of the Congress of the Confederation.

(2) That the District, when sufficiently populous, would have a representative in Congress, and in the mean time a local legislature.

In this discussion many gentlemen of note took part, and extracts from their arguments are reported as follows:

Mr. Huger, of South Carolina:

He looked forward to the period when the inhabitants, from their number and riches, would be entitled to a representative on this floor. And with respect to their local concerns, when they grow more numerous and wealthy, there would be no difficulty in giving them a territorial legislature.

Mr. Dennis, of Maryland:

By exclusive legislation, he understood the exclusion to the States of all participation in legislation. He thought the situation of Congress in relation to the people of this territory was not sufficiently understood. He knew that it was always troublesome to legislate for any people. He foresaw these inconveniences when they removed to this place. He thought then, as he thought now, that some legislative government must be provided for the District. In this opinion he had never varied, but had, from successive events, become more confirmed in its accuracy.

Mr. Bacon, of Massachusetts:

But the words of the Constitution are not imperative; they do not say that Congress shall exercise exclusive jurisdiction over the places thus ceded by the States.

Mr. Eustis, of Massachusetts:

He acknowledged the difficulties of legislating for the territory. But it was a duty which they could not forego, until the government of the people was provided for in some other way; and that, he thought, should be by an internal legislature.

Mr. Varnum, of Massachusetts:

But, when he considered that Congress were appointed to legislate on great objects, and not on minute local concerns, he did not think them competent to legislate for the persons situated in the territory of Columbia.

Mr. Southard, of New Jersey:

But he looked forward to the time as not distant when they would have the right of governing themselves through a territorial legislature.

Mr. Randolph, of Virginia:

The term slavery, sir, excites in the mind of man an odious idea. There are, however, various species of this wretched condition. Domestic slavery, of all others the most oppressive, and political slavery, which has been well defined to be that state in which any community is divested of the power of self-government and regulated by laws to which its assent is not required and may not be given. This species of government is an experiment how far freemen can be reconciled to live without rights; an experiment dangerous to the liberties of these States.*

To attempt to legislate for the District was in effect to constitute the chairman of the committee, or at any rate the committee itself, on the affairs of the territory, the Solon or Lycurgus of the place. It was well known that the indolence of the other members or their indifference, inseparable from the situation in which they were placed, would prevent Congress from legislating with a full understanding of the objects before them. He therefore thought it expedient to retrocede all the territory, excepting the city of Washington.

This disposition of the territory would leave entirely untouched the question which arose from the interest of individuals who had made purchases of property under the faith of Congress retaining the jurisdiction. It is probable that, in such event, a corporation might be established in the city that would answer the ends of government, without two-thirds of the time of the national legislature being consumed

Congress gave a practical construction to the articles of the Constitution by rejecting the resolutions of recession and by making no change in the government for the city of Washington established the year before (1802).

LOCAL GOVERNMENTS PROVIDED BY CONGRESS.

Congress had to meet the question of the government of the District as soon as it got fairly settled in its new quarters. Everything had been going along in the same sort of fashion for ten years, from the date of the acceptance of the territory until that time. The District embraced the city of Alexandria, organized as such in 1748; and Georgetown, organized in 1789, each with the usual charter and an elective form of government. There were besides these the local governments of the counties of Montgomery and Prince George's, which embraced the portion of the territory acquired from Maryland, and Fairfax, which included the Virginia portion of the District outside of Alexandria, and all the District was thus under the laws either of Maryland or of Virginia.

Congress adopted and supplemented these laws by act of February 27, 1801, by dividing the District into the counties of Alexandria and Washington; establishing a circuit court in the District; continuing the laws of Maryland and Virginia where they had existed; providing

* Prof. John Fiske, in the March number of the Atlantic, 1888, writing about the beginnings of the American Revolution, says: "From all the history of the European world since the later days of the Roman Republic there is no more important lesson to be learned than this, that it is impossible for a free people to govern a dependent people despotically without endangering its own freedom."

for justices of the peace to be appointed by the President; creating an orphans' court and register of wills in each county; and especially by declining to alter, impeach, or impair the corporation rights of Alexandria and Georgetown.

Directly afterwards, on March 3, 1801, Congress passed a supplementary act, giving to the circuit court certain powers of appointment of officers before vested in the levy courts of Virginia and Maryland, and creating a new levy court for the county of Washington.

The city of Washington was incorporated for two years on May 3, 1802, with a charter providing for a mayor, to be appointed by the President, and a council of two chambers; the entire council of twelve to be elected by free white tax-paying citizens of full age, and one chamber to be elected by the whole body of councilmen, and the council had certain limited powers of local legislation.

The triple-headed management of the public grounds and buildings having failed to give satisfaction, Congress, in May, 1802, abolished the three commissioners provided for in the original act of location, and substituted therefor one superintendent, and subsequently, in 1816, this superintendent was succeeded by a single commissioner of public buildings and grounds, who has to this day substantially the same powers and duties then provided for.

Neither the original three commissioners, nor their successors in office, had any governmental duties to perform.

In 1803 Congress fixed the salary of the superintendent, and appropriated $50,000 for the repair of public buildings and the highway between the Capitol and other public buildings.

Some of the Representatives seem to have become wearied at the legislation called for in behalf of the District, and at the next session the resolutions for recession before referred to were introduced. After the failure of these an effort seems to have been made in the way of relief by the enlargement of the charters of the District cities.

In 1804 Congress amended the charter of Alexandria, especially in the qualifications of the voters for municipal officers, who should be free white males of full age, freeholders and tax-payers; and in 1805 amended the charter of Georgetown, making all free tax-paying white men of full age voters for all municipal officers.

In 1804 the charter of Washington was continued for fifteen years longer, with an increase in the number of the council to eighteen, and enlarging considerably the scope of the legislative functions.

By act of May 4, 1812, the charter of Washington was further changed, with enlarged powers of legislation in the council, and by act of May 15, 1820, it was still further extended, with increased powers of legislation, the mayor being then made elective. In 1846 the Virginia portion of the District was ceded back to its original State.

The act of May 17, 1848, enlarged the legislative powers of the corporation of Washington, and provided:

> That every free white male citizen of the United States, who shall have attained the age of twenty-one years, and shall have resided in the city of Washington one year immediately preceding the day of election, and shall be a resident of the ward in which he shall offer to vote, and shall have been returned on the books of the corporation during the year ending the thirty first of December next preceding the day of election as subject to a school tax for that year (except persons *non compos mentis*, vagrants, paupers, or persons who shall have been convicted of any infamous crime), and who shall have paid the school taxes, and all taxes on personal property due from him, shall be entitled to vote, etc.

By the act of January 8, 1867, the right of suffrage was extended so as to include all male citizens, "without any distinction on account of

color or race," and without requiring the payment of a school tax or tax on personal property.

Of these local governments Mr. Justice Story, in his Commentaries on the Constitution, section 1223, says:

> In point of fact, the corporations of the three cities (Washington, Georgetown, and Alexandria) within its limits possess and exercise a delegated power of legislation under their charters, granted by Congress, to the full extent of their municipal wants, without any constitutional scruple, or surmise, or doubt.

Thus it would seem that the power "to exercise exclusive legislation in all cases" over the District of Columbia was given to Congress in the Constitution for the purpose of establishing beyond question the sovereign right of the General Government to protect and maintain itself in its capital; that it was not made the duty of Congress to use this power, and it was not intended that Congress should use it, beyond the extent necessary to accomplish the purposes named; and that from 1802 to 1871 the practical manner in which Congress did exercise its exclusive power was to intrust the control of the District largely to its voters, a mayor being the executive, and a council the legislature for municipal purposes, of its cities.

HOW THE TRUST WAS EXECUTED BY THE PEOPLE.

During this period of actual self-government the cities of Washington and Georgetown and the county of Washington contracted a debt of $3,105,067.85, which was the entire incumbrance when the government assumed the territorial form.

Prior to 1835, as appears by a report of the committee of the Senate, the citizens of the District had expended for local improvements the sum of $430,000, and the United States the sum of $209,000 for similar purposes. At that date, also, as appears from the same report, the property which had been given by the citizens to the United States was valued at about $2,500,000.

In explanation, it should be stated that the General Government had in the beginning but a slender revenue, the gross income for the first two and three-fourths years being only $4,771,343.53, or about the amount it now receives in as many days; while the inhabitants of the District, in their anxiety to help build up the capital city, assumed burdens and incurred expenses "which," so says the Senate report, "did not appropriately belong to them."

Between the dates of 1835 and 1871, it is understood that the sums raised by citizens from taxation and expended upon local improvements were greatly in excess of the moneys appropriated by Congress for the same purposes.

In the war of 1812, the citizens of the District paid a direct tax of $20,000, and raised besides a voluntary fund of $5,000 and placed it at the disposition of the President for the defense of the capital.

When the Capitol was burned by the English soldiers, the citizens of the District fitted up a building for the use of Congress, the bankers of the District offered a loan of $500,000 to rebuild the public buildings, and the President was authorized by Congress to accept the same. For the late war the District paid a direct tax of $49,437.33, and the 15 per cent. refunded to many of the States has never been refunded to the District.

Since 1862 the citizens of the District have paid $6,454,907.03 in internal-revenue taxes, or an average annually of a quarter of a million of dollars. The amount of these taxes paid by citizens of the District during the last fiscal year exceeded the amount paid by either of the

following seven States, namely: Alabama, Arkansas, Maine, Mississippi, Nevada, South Carolina, and Vermont.*

During the war of 1812 and the war with Mexico the District furnished its full share of soldiers.

During the late war the District furnished its full quota of soldiers and 18½ per cent. in excess of the same, surpassing in that respect all but one of the States.

Up to the date of the territorial government the citizens had made commendable progress in the creation of public schools, of police, health, and fire departments, in sewerage, in opening and improving and lighting the streets, and had at all times manifested a proper degree of public spirit, guided by general intelligence.

NO LANDS FOR DISTRICT OF COLUMBIA SCHOOLS.

It is proper to add here that the late war brought into the District great numbers of uneducated freedmen, for whom Congress compelled the District to open and maintain schools as largely as for the white children, as well as to educate the children of the great influx of Government employés who paid no taxes here, and this, too, in face of the fact that not an acre was ever given to the District of the 90,000,000 acres of public lands given to the States for educational purposes, or of the 155,000,000 acres of public lands given away for railroads and internal improvements, and no part of the many acres called "swamp lands" given outright to the States; and not a dollar of the $28,000,000 divided in 1836 among the States came to the District of Columbia.

TERRITORIAL GOVERNMENT.

The earlier form of municipal government for Washington City and the Georgetown and county levy court organizations continued until the act of February 21, 1871, when all were abolished and a territorial government established, with a governor, secretary, board of health, a board of public works, and a council of eleven members constituting one branch of the legislature, all appointed by the President and confirmed by the Senate, and a Delegate to Congress, and a lower branch of the legislature of twenty-two members elected by manhood suffrage, practically unlimited.

In this new form of government the board of public works, of whom the governor was president, had almost exclusive executive and large legislative powers in the way of municipal regulations, with certain powers of assessment of taxes and disbursement of moneys, and the legislative assembly had certain limited legislative powers.

COMMISSIONER GOVERNMENT.

The territorial form of government was abolished by act of June 20, 1874, and a temporary form of government established, in which, under

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*District of Columbia	$142,172.10
Alabama	78,542.76
Arkansas	97,630.38
Maine	50,286.45
Mississippi	42,608.14
Nevada	70,419.50
South Carolina	100,146.85
Vermont	30,119.75

*This is to 1888. Figures since that time not available.

certain limitations, all the executive and legislative functions which had been exercised by the territorial government were committed to three commissioners, to be appointed at large by the President and confirmed by the Senate. An engineer officer of the Army was to be detailed to have the oversight of engineering work, under the direction of the commissioners.

The reason commonly assigned for this change in the government was that the board of public works, who were appointed by the President and paid by the United States, had incurred a large debt by extravagant and unauthorized expenditures, mainly, however, upon Government property, viz, streets, avenues, and sewers. This debt, thus created by officers of the United States mainly upon property of the United States, amounted to about $25,000,000, although, as appears by a report of the Secretary of the Treasury in 1878, the citizens of the District had, reckoning from the beginning up to 1878, paid about $20,000,000 in taxes and the United States had expended $6,000,000 in appropriations, all mainly for the improvement of the property of the United States. The citizens had also raised and expended about $25,000,000 more for the support of the local government.

THE SO-CALLED DISTRICT DEBT.

As already stated, the aggregate debt created during the long period of popular self-government in the District, 1802 to 1871, was $3,105,067.85. The present debt was created under a different system. In the words of a Senate minority report in 1877:

> At the end of six years only of a government irresponsible to the people the public debt amounts to $25,000,000—more than one-fourth of the assessed valuation of the property of the District. Meanwhile, $13,000,000 have been assessed as special taxes (on the property of the citizens), $10,000,000 have been assessed as general taxes (also on the property of the citizens), and Congress has appropriated $6,000,000. Deducting the original indebtedness, we find the enormous sum of $50,000,000 as the net expenditure of six years' government by officers "appointed by the President and confirmed by the Senate." Of this vast sum not less than $40,000,000 are chargeable to "improvements."

And this does not include a foot of the 32 miles of asphalt pavement, nor the big Boundary sewers, all of which have been constructed and paid for since.

It will thus be seen that popular self-government is responsible for no part of this enormous debt—greater, it is believed, in proportion to population and means than that of any State or other municipality in the United States—except the original three millions and the four million loan, or seven millions in all, as the people of the District had no voice in creating the balance of the debt.

If the General Government were now to assume the payment of the remainder of this debt, amounting to $20,612,450, it would be doing no more than to equalize the amount expended by it and the inhabitants of the District from the beginning.

It now takes about one-third of the total annual revenues of the District to pay the interest and sinking fund on the debt, and this heavy drain not only cuts off much needed street improvements, but it restricts over eleven thousand school-children to half-day schools for want of a sufficient number of school-houses. That is, one school-room has to be used for two schools, one school occupying it in the morning and the other in the evening.

THE PRESENT GOVERNMENT.

The local government was again changed by act of June 11, 1878, to its present form, the change being mainly in requiring two of the Commissioners to be residents and the third Commissioner to be an officer of the Engineer Corps of the Army.

At the same time the United States engaged to pay a proportion of the expenses connected with the local government commensurate with the value of its property as compared with the value of all other property, or practically one-half of the annual expense, and all moneys received were to be deposited in the Treasury of the United States, to be used only as appropriated by Congress, and all payments were to be paid by Treasury warrants.

This was done because the peculiar character of the plan of the city of Washington and its relations to the General Government were such that it would be impossible, as well as unjust, for the private property to pay the interest on the debt and put and maintain the entire District of Columbia in such state of perfection as the natural pride of the country would demand.

These Commissioners appoint all minor officers, have large legislative powers in the matter of municipal regulations, and full executive powers to carry out the same, and the people of the District have no power or voice in the matter, or in the selection of any officer, or in the valuation of their property, or in the taxation of expenditures of moneys paid by them, and their wants and wishes need not be consulted.

MAGNITUDE OF THE WORK OF THE COMMISSIONERS.

The District has a population of (estimated)	250,000
A valuation of property of	$238,695,378
Composed of real estate owned by citizens	111,744,830
Personal property owned by citizens	10,943,458
Property owned by the District	2,308,772
Property exempt from taxation	6,578,634
Property owned by the United States (excluding streets and avenues)	107,119,684

And this is exclusive of the personal property owned by the United States, which amounts to a large sum.

Amount paid by citizens in taxes, licenses, etc., for 1887	$2,374,914.53
Total revenues disbursed in 1886–'87	4,002,398.54
It has public buildings numbering	570
Number of teachers in public schools	654
Number of scholars enrolled	35,090
It has of streets, in miles	233.62

	Miles.
Of which there are paved with concrete	69.64
Paved with granite blocks	21.50
Paved with cobble and broken stone	12.73
Macadamized	8.18
Graveled	36.66
Old wood pavements	.77
Unimproved and mostly unopened	84.08
Total	233.62
Of country roads	116

A fire department of 7 steam fire-engines, 2 ladder-trucks, 8 hose-reels, and a force of 101 paid men, a police force of 325 officers and employés of different grades. In population it exceeds each of the Territories except Dakota, and the States of Oregon, Nevada, and Delaware.

In valuation of property it surpasses either of the States of Colorado, Delaware, Florida, Nevada, and Oregon.

It comes, then, to this, that at the present time three gentlemen, one of them by education and previous employment quite unfitted for the performance of any duties except those connected with engineering, are called upon to administer not only the affairs of a rural but well-settled territory, containing suburban villages, but in addition the more complex and delicate demands of a large city with its various questions of schools, streets, sewers, water, health, police, protection against fire, building and plumbing regulations, licenses of all sorts, valuation and taxation of property, disbursement of moneys, appointment of officers, and, in addition to all these matters, the still more delicate and arduous duties connected with the alteration of municipal regulations and the framing of new ones.

And all this in the show city of the country.

Occupied as they are, these gentlemen are of necessity unable to make themselves acquainted either with the wishes or the needs of the citizens at large, except as may be made known to them by employés anxious mainly to please their chiefs, or by self-constituted advisers who advise largely for personal advantage.

WRONG IN PRINCIPLE.

The Executive is a law-maker in the District of Columbia.

It is wrong in principle that the officers who execute the laws should be the very persons who make the laws.*

Having the power to make the laws, the same persons have the power to unmake or waive them, or to decline or neglect to enforce them, and, if need be, to make and unmake them, and to change them every day, and are therefore above and superior to the law. If they make good laws the effect of them is mischievous because of the uncertainty of their duration; and any one who knows and relies upon the law of to-day can have no reliance that the law will be the same to-morrow, and therefore can not know what he may or may not do; and if they make bad laws, then, in addition to the feeling of uncertainty as to their duration, there is the sense of personal wrong and injury and of oppression on the part of those to whom the laws apply.

It is fundamental to the constitution of society that the laws should be settled and permanent in character, and not lightly or hastily changed, or indeed changed at all, except when it becomes so obnoxious that there is a general demand for the change, or it ceases by common consent to be enforced or obeyed and thus becomes obsolete.

It is no answer to these propositions that the Commissioners only make municipal regulations under certain limitations imposed by Congress, the higher power. These very municipal regulations are the laws which touch the citizen most nearly, and are upon and around him all the time and affect his daily life and business and family. Neither is it an answer that these statements are fanciful, and that the Commissioners have not made and annulled regulations or changed or waived them with or without previous notice.

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*Edward Gibbon, the historian, in a letter on the Government of Berne, says:

"This council (of 300 persons) is invested with the executive as well as the legislative power, two branches of authority which can never be united without rendering each of them too formidable to the subject."

Mr. Justice Miller, in a late address, declares that the separation of the legislative and executive departments is a principle lying at the foundation of all free government.

Your memorialists assert that it has been a well-known practice of the Commissioners to repeal old municipal regulations to make new and different ones in place of them; to revive musty and obsolete ordinances; to change regulations directly after their publication, and to waive or fail to enforce them in special cases; in fact, to make that which was law to-day no law to-morrow, and law again the day after, and to waive, if need be, the enforcement of the law.

Your memorialists do not make these statements by way of censure of the Commissioners, but by way of complaint of the system, as it is certain that if the present incumbents are displaced by others, their successors, by reason simply of the faulty character of the plan of administration, would act in precisely the same way, and indeed could not be expected to act in any other way.

The present local government is faulty in another respect.

All governments, to be just and stable, as we agree in this country, must rest upon the unbought consent of the governed, and thus be in accord with their wishes and wants. But in this District the governed can not make known their want of consent by overturning the government and putting another in its place, as they can in every other portion of the United States.

Here in this District the consent of the governed has never been asked, and many Senators and Representatives seem to have taken it for granted that the few residents with whom they most frequently come in social contact represent the people who live here.

Your memorialists do not admit that those residents who appear to prize a reduction of their own taxes more highly than the right of self-government do represent the people of the District.* Waiving this matter of consent as not obligatory upon Congress, it is still insisted that the Commissioners have not had, do not have, and can not have any special knowledge of the wishes or wants of the citizens. No blame is attached to them in this respect, because it is a fault simply of the form of government, and not of the Commissioners personally.

Admit that they desire to know and conform as far as possible to the wants and wishes of the citizens, they can not do so.

Indeed, if they desire to do so they have no time in the pressing nature of their daily duties to gather to any extent from the citizens themselves information of what ought to be done, and accordingly have to rely upon employés of their own, who *ex officio* have always roseate views of the perfection of the present, or largely upon such persons as intend to make their advice valuable to themselves.

The present local government is faulty in the number of its Commissioners.

The plurality of the executive tends to deprive the people of the two greatest securities they can have for the faithful exercise of any delegated power:

First, the restraints of public opinion, which lose their efficacy as well on account of the division of the censure attendant on bad measures among a number as on account of the uncertainty on whom it ought to fall; and *second*, the opportunity of

* Mr. Bancroft, in the 7th volume of his History of the United States, page 81, sums up a similar state of things in New York in 1774, showing on what lines the people divided in those days:

"Thus began the conflict of two parties," says the historian, "which were to increase in importance and spread throughout the country. The one held to what was established, and made changes only from necessity; the other welcomed reform, and went out to meet it. The one anchored on men of property, the other on the mass of the people; the one mildly, loving liberty, was ever anxious for order; the other, firmly attached to order which it never doubted its powers to maintain, was anxious only for freedom; the one distrusted the multitude as capable of rashness, the other suspected the few as at heart the enemies to popular power."

discovering with facility and clearness the misconduct of the persons they trust, in order either to their removal from office or to their actual punishment in cases which admit of it. (Federalist, No. 69.)

Every student of American history knows that the assaults upon the rights of the colonies, which led to the dismemberment of the British Empire, began at or about the time King George "confided the executive powers of government to a triumvirate, consisting of Grenville, Egremont, and Halifax." (See Bancroft's History, vol. 5, chap. 6 *et seq.*)

An executive should always be a single head to be most effective. If, in a triumvirate, one should have the most native force and vigor and will power, so as to dominate the others and thus be in reality the only head, this bad result follows, that the two who are dominated do not understand their position, and interfere mischievously with the ruling person, and are therefore in the way and are not needed.

The theory of the triumvirate originally was that, being three, two of them would be a majority; but in practice it always turns out that the strongest man of the three is the majority.

The theory of the triumvirate was also that the power would be divided equally among three men, and each would have his portion of the duties; but practically it comes to this, that the dominant man always takes chief direction of all the duties; as citizens will remember was the case in this District when they call to mind the position of a certain member of the old Board of Public Works.

Again, if three persons are too many for an efficient executive, it is certain that that number is too few for legislative duties, if for no other reason, because they can not represent fairly the wishes of a great community in local matters, or give to the scattered or discordant and perhaps antagonistic sections of the District the necessary personal attention.

Of the present form of government in the District, Hon. William L. Wilson, of West Virginia, writes, under date of April 19, 1887:

Four years' service in Congress, all of it in intimate connection with District affairs has convinced me that there are some defects that are fundamental. * * * I am strongly impressed with the anomaly of a people paying two millions in taxes, and at no point touching the administration of their own affairs; indeed, being characterized as "officious intermeddlers" if they venture to come before Congress with requests, petitions, or complaints relating thereto. I think the people of the District ought to be brought into closer contact with their government, and until there is some law devised that will accomplish that result your citizens' associations should be encouraged to look after local interests and wants.

Some, I see, object to them as breeding discord, and think the proper policy is to have no interference with the rule of the Commissioners.

Freedom of criticism is the vital air of free institutions, and when any public officials are set above this criticism such institutions disappear.

There would be very little in this objection, even if the people had any voice in choosing the Commissioners, although it might then be said that, having selected their representatives to appear for them before Congress, they should not intervene between them. But the Commissioners are not there presentatives chosen by the citizens and tax-payers of the District; they are the agents set above them by Congress, through whom Congress has undertaken to administer their affairs, and one of them, and by far the most important one, as I shall show, is by law almost of necessity a non-resident, temporarily assigned to that duty.

Your citizens' associations are the spontaneous growth of free institutions. Where such institutions are not legally planted, these or like associations will spring up as volunteers from the seeds of freedom in our air, and to discountenance them in the circumstances in which you live, is to fight against the spirit of self-government itself.

Again, the District executive is three-headed. There is a distribution among three, not only of powers and duties, but also of responsibility. The two civilians must be residents, but the Engineer Commissioner is by law an army officer temporarily detailed to that duty.

Now, an examination of the working of the District government will disclose the fact that the engineer department is almost the government. The matters with which it deals, the large number of its employés, its control of local improvements, of sewers and water supply, make it easily the main and overshadowing part of the District government. It can largely influence the growth of the city, raise or depress property values, and holding in its grasp the health and comfort of the citizens. Yet this chief department of the District government is, by law, committed to a non-resident, and that non-resident an army officer. To me this feature is most objectionable, and I can not but wonder that the nearest approach to a military government in this country should be in the district in which is the country's capital. I do not refer to individuals; I object to the system.

I have no prejudices against army officers, least of all against the Engineer Corps. Of some of its members I have spoken in terms of sincere eulogy in the House. I concede that a high standard of personal probity prevails in the corps, and a high order of capacity in the line of its profession. But granting all this, a trained soldier has military methods of administration that are as incongruous and out of place in civil office as civilian methods would be in military affairs. The very habit of yielding or of exacting implicit obedience to orders, as they come from those over him, or are directed to those under him, little fits him to become a civil servant and the agent of the people. He chafes under their criticism, and is impatient of their complaints, advice, or petitions.

Furthermore, the very environment of such an officer at Washington is unfavorable to the discharge of his duties with even-handed justice to all interests, and with a full and fair knowledge of them. His residence at the national capital is a brief and pleasant episode in his military career. His education and rank entitle him to enter, and the powers with which he is clothed secure him a ready entrance into the best and wealthiest social circles. These and the select clubs, both at present plentifully sprinkled with real estate speculators, open their doors to him and welcome him with a hospitality that often adroitly veils a selfish motive. He is in danger of regarding the associations in which he so pleasantly moves as the people of Washington. Their ideas are constantly impressed on him, and their interests fill his vision.

With the great mass of the people he never becomes acquainted; with their ideas and interests he has but an indirect and second-hand acquaintance. If they venture into his official presence with their plain petitions and blunt requests, after the manner of free American citizens who pay taxes and bear the burdens of government, he wearies of their importunities. If they exercise the inalienable right of criticising, he frets under it. When they censure, they are the "proletariate."

If Congress deals out taxes a little carefully, and affixes to their expenditure the limitations and safeguards that of right belong to the expenditure of the people's money, it is bulletined as "blunders of Congress," or is made the occasion of a feeling that "wonders while it fears it must obey."

I would be glad to see more influence possessed by the people of the District in respect to their affairs, especially as to the expenditure of their taxes in connection with local improvements and schools. I think there should be some concentrating of responsibility in the executive head, and a decided subordination of the military predominancy in the District government.

ARE THE CITIZENS DISSATISFIED WITH THE PRESENT LOCAL GOVERNMENT?

Your memorialists believe that a great majority of the citizens of the District are thus dissatisfied, and give for evidence of the same the numerous memorials to Congress, and the rise and existence of citizens' associations in various parts of the District ever since the abolition of the Territorial government, and general talk upon the streets and elsewhere, the constant complaints found in newspapers, all in spite of the loyal support given to it by the local press and "the privileged classes," and in spite of the frequent changes made in the personnel of the Board of Commissioners.

The complaint really grows out of the system of administration, whereby executive responsibility is divided and avoided, and legislative duties are imposed upon executive officers, and estimates for appropriations, which largely determine where and what improvements shall be made, are controlled by officers appointed year after year from

one and the same section of the District. But if the citizens were satisfied with the existing state of things, there would still be ample reason for a change if a change would be a benefit.

WHAT SHOULD CONGRESS DO?

Your memoralists answer that Congress should discharge its duty towards the District of Columbia as fairly and kindly as it ought to do towards the Indians, the other wards of the nation.

The recognized relation between the parties to this controversy, therefore, is that between a superior and inferior, whereby the latter is placed under the care and control of the former, and which, while it authorizes the adoption on the part of the United States of such policy as their own interests may dictate, recognizes, on the other hand, such an interpretation of their acts and promises as justice and reason demand in all cases where power is exerted by the strong over those to whom they owe care and protection. The parties are not on equal footing, and that inequality is to be made good by the superior justice which looks only to the substance of the right, without regard to technical rules framed under a system of municipal jurisprudence, formulating the rights and obligations of private persons equally subject to the same laws. (Choctaw Nation *v.* The United States, 119 U. S., 28.)

ACTION PROPOSED.

Your memorialists do not, in view of the peculiar condition of the District of Columbia and its relation to Congress, and by reason of a difference of opinion among themselves, ask that its citizens shall have at present the right of unlimited manhood suffrage in the management of local affairs. Suffrage can hardly be regarded as a natural right, since it is generally restricted by sex and age, place of nativity, and length of residence, and mental and moral condition; and in this country, in communities of great age and of successful experience, it has been further limited to those men of proper age, nativity, and length of residence, and mental and moral condition, who can read and write, and who pay a direct tax, whether per capita or upon property, for the support of their own local government, so that ignorant, worthless, imbecile, and criminal persons, who can neither be relied upon for defense or support of government, should be excluded from such privilege.

But while your memorialists do not now ask, and are not authorized by the committee they represent to ask, a return to suffrage in the management of municipal affairs, nor propose legislation changing, or intended to change in any manner the basis of the present form of government for the District, or the immediate control of Congress and the President over it, they do ask and propose, and are authorized and instructed by the committee they represent to ask and propose, a modification of the principal subordinate agency by which that government is administered.

They believe it would be better to have but one commissioner, or chief executive officer, and that he should be relieved of all but executive duties. They believe the estimates annually submitted to Congress as the basis of appropriations for street and other improvements, and for the support of the local government, ought to be made or approved by a council of not less than fifteen citizens, so selected as to fairly represent all sections of the District; and that such council would be a proper body to be intrusted with the power of making such minor municipal ordinances as Congress, by reason of other duties, can not be expected to consider and enact.

A bill covering these points has been approved by the Citizens' Representative Committee of One Hundred of the District of Columbia, and is herewith submitted for the consideration and action of Congress.

Very respectfully,

REGINALD FENDALL,
Chairman,
W. C. DODGE,
JOHN E. HERRELL,
GEO. W. DYER,
J. ORMOND WILSON,
THOS. J. LUTTRELL,
W. H. A. WORMLEY,
MILLS DEAN,
NOBLE D. LARNER,
Executive Committee of Citizens' Committee of One Hundred.

Extract from report on memorial.

The object of a free people is the preservation of their liberty; and liberty is only to be preserved by maintaining constitutional restraints and just divisions of political power. Nothing is more deceptive or more dangerous than the pretense of a desire to simplify government. The simplest governments are despotisms; the next simplest, limited monarchies; but all republics, all governments of law, must impose numerous limitations and qualifications of authority. This is the very essence of free political institutions.

The spirit of liberty is, indeed, a bold and fearless spirit; but it is also cautious, discriminating, jealous of power. It demands checks; it insists on securities; and it fortifies itself with all possible care against the assaults of ambition and passion. It does not trust the amiable weaknesses of human nature, and therefore it will not permit power to overstep its prescribed limits, though benevolence, good intent, and patriotic purpose come along with it.

Every free government is necessarily complicated, because all such governments establish restraints, as well on the power of government itself as on that of individuals. If we will abolish the distinction of branches, and have but one branch; if we will abolish jury trials, and leave all to the judge; if we will then ordain that the legislator shall himself be that judge; and if we will place the executive power in the same hands, we may readily simplify government. We may easily bring it to the simplest of all possible forms, a pure despotism.

But a separation of departments, so far as practicable, and the preservation of clear lines of division between them, is the fundamental idea of all our constitutions; and, undoubtedly, the continuance of regulated liberty depends on maintaining these boundaries.—*Daniel Webster.*

Home rule for Americans.

"Taxation and representation ought to go together."—Chief-Justice Ellsworth.

To the Committee on Privileges and Elections of the United States Senate:

Mr. Chairman and gentlemen: I desire to offer a few suggestions for the consideration of the committee in favor of the resolution recently submitted to amend the Constitution so as to give the citizens of the District of Columbia a representation in the National Government.

The proposition is so obviously just and proper, that no argument would seem to be necessary.

The whole theory of our Government, the very foundation on which it is built and rests, requires it.

Our national independence was achieved on the issue of "no taxation without representation," and if it be true that ours is "a Government of the people, by the people, and for the people," it is difficult to comprehend any valid reason why the quarter of a million of American citizens who may chance to reside within the District, or in any particular section of the country, should be deprived of all voice in their Government, both national and local. If they were not taxed, and in all other respects subjected to the same burdens as other citizens to support and defend the National Government, then I could see some reason why they should not be represented in that Government; but such is not the case. As citizens of the nation, the people of the District are subjected to the same burdens as other citizens, and they have performed their whole duty as fully and as freely as those of any other section of the country, for proof of which I appeal to the official records.

WHAT THE RECORD SHOWS.

When the capital was located here, in 1790, the original proprietors deeded the entire tract to trustees for the benefit of the United States, with the agreement that the commissioners appointed by President Washington, under authority of Congress, should locate the future capital and lay out the city as they saw fit for the use and benefit of the nation and the resident citizens.

It was further agreed that the land should be divided as follows: The Government to take what it needed for streets, avenues, and alleys as a free gift, and that amounted to 3,604 acres, or 54 per cent. of the entire area of the city. It was to select what it chose for public reservations—sites for public buildings, etc.—and pay therefor £25 per acre. For this purpose it took 541 acres, but as this was paid for out of the proceeds of the lots donated to the Government by the citizens, it was also, in effect, a gift to the Government by the citizens. The balance of the land, amounting to 3,016 acres, was laid out into lots, and divided equally between the Government and the original owners, each receiving 10,136 lots, chosen alternately by the Government and the original owners.

It will thus be seen that of the 7,161 acres embraced within the city limits, 5,653, or more than five-sevenths of the whole, were a free gift from the citizens to the United States Government.

It may be said in reply that they did this because of the benefit to their remaining property, which they hoped to realize from the location here of the capital, and that is no doubt true; but that in no way lessens the benefits conferred by them on the Government.

The 10,136 lots given to the Government it was understood were to be used for the erection of the public buildings and the improvement of the streets of the city, as is abundantly shown by the original records; but for various reasons, unnecessary now to consider, this expectation was not fulfilled; and after disposing of the lots, the commissioners were authorized by Congress to borrow money to complete the public buildings.

As a result, the Government did not open or improve the streets, as was expected, and the consequence was the citizens had to do it themselves. As shown by a Senate report of the twenty-third Congress, up to 1835 the citizens had expended for this purpose $430,000, while the General Government had expended but $209,000; and at that time

there were but 20,000 inhabitants, of whom 7,000 were slaves and free colored. As stated in that report, the only fault to be found with the citizens was that "they had assumed burdens and incurred expenses which did not properly belong to them, but to the General Government."

The location of the public buildings and grounds was and is such that the citizens could not grade, sewer, pave, light, clean or police the streets in front of their own property without at the same time doing it for the Government property also. Nor did they seek to do so; for, as stated by the report, "the citizens had specially opened and improved those streets and avenues leading to the national establishments at the navy-yard and arsenal, and those leading to and around the public squares and reservations belonging to the nation, and thus by their own means enhanced the value of the public property"—and that in so doing, "the views by which they had been governed were of a liberal and public spirited character." (See Southard's Senate Report, Twenty-third Congress, February 2, 1835. Also on the same point, House Report, No. 627, first session, Forty-third Congress. Senate Report, No. 479, second session, Forty-third Congress. House Report, No. 64, second session, Forty-fourth Congress.)

Again, by a report of the Secretary of the Treasury, in answer to a resolution of the Senate of April 29, 1878, showing all the moneys expended by the United States Government in the District from July 16, 1790, to June 30, 1876, it is shown that the whole amount expended by the General Government for city improvements, including bridges across the Potomac and everything, was less than $6,000,000, while during the same time the citizens had expended $20,000,000 for the same purpose, besides about $25,000,000 more for local government, and that, too, while the General Government owned more than one-half of all the property in the District, on which it had never paid a cent of taxes, nor had it borne any portion of the expenses of the local government (Senate Ex. Doc. No. 84, second session, Forty-fifth Congress, page 205.)

The people of the District have from the foundation of the Government, contributed their full proportion for its support, both in peace and in war.

Their military record is not surpassed if equaled by that of the same number of citizens in any other section of the Union.

In the war of 1812, and again in the Mexican war, they furnished their full proportion of volunteers; and among the names famous for gallantry and bravery in the Mexican war are those of citizens of the District.

In the late civil war the very first volunteers enrolled in the service of the United States were citizens of the District.

While but seven States of the Union filled their quotas, the District of Columbia filled her quota and furnished an excess of 18½ per cent. more—a record not equaled by any State in the Union but one, and that only by including her "home guards," of whom there were in the District many not included in the above record. (See Report of the Adjutant-General, November 9, 1880.)

TAXES PAID BY THE CITIZENS OF THE DISTRICT FOR SUPPORT OF THE GENERAL GOVERNMENT.

For the war of 1812, Congress imposed on the citizens of the District a direct tax of $19,998.40, besides which the citizens raised a voluntary fund of $5,000 and placed it at the disposal of the President for the special defense of the Capitol. When the British burned the public

buildings, the citizens fitted up a building (since known as the Old Capitol) for the use of Congress, and the banks of the District tendered a loan of $500,000 to rebuild the public buildings, which Congress, by an act, authorized the President to accept.

For the late civil war, Congress imposed upon the District a direct tax of $49,437.33, which was paid in full, and added to the taxes of the citizens; and while Congress has refunded to many of the States fifteen per cent. of the tax paid by them, it has never refunded a cent to the District. (See House Ex. Doc., No. 158, second session, Forty-ninth Congress.)

INTERNAL-REVENUE TAX PAID BY THE DISTRICT.

The official records show that from the enactment of the law in 1862 to June 30, 1887, the citizens of the District have paid an internal-revenue tax of $6,454,907.03. During the past fiscal year the amount thus paid by the District was more than double the amount paid by any of the Territories, except Dakota, several of which, bills now pending, propose to admit as States, with two Senators and one or more Representatives. It is more than was paid by either of the following seven States, viz, Alabama, Arkansas, Maine, Mississippi, Nevada, South Carolina, and Vermont.* It is $500 more than the average amount paid by either of ten States. (See report of Commissioner of Internal Revenue for 1887.)

Thus, it will be seen that, both in a military and in a pecuniary point of view, the citizens of the District have borne their full share of the burdens in support of the General Government, and have proven their loyalty, patriotism, and public spirit, to be fully equal to that of an equal number of citizens in any part of the Union.

Why, then, should we not be represented, and have a voice in the Government, the same as our fellow-citizens in other sections? I must confess I can not see, nor have I ever heard a reason given by any one.

True, we have seen in the papers the statement that the citizens of the District are here "merely by sufferance," liable to be "expelled at the point of the bayonet at any moment, like trespassers from Oklahoma;" but, if that be so, it is only another reason why we should be represented in the body which it is said, has this power of expulsion, as otherwise we have no protection whatever.

THE SUPPRESSION OF POPULAR GOVERNMENT.

The evil result of suppressing the popular government which had existed here for nearly seventy years, is thus described in a Senate report:

> When the government of 1871 came into existence, it found a public debt of little more than $3,000,000, the accumulation of over sixty years of municipal administration, including the war debt, and debts imposed by the financial embarrassments which the movements to overthrow the local (popular) governments had engendered. In four years only of executive government the debt was increased to $20,000,000, with proportionably far less to show for it than had the preceding original debt of

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* District of Columbia	$142,172.10
Alabama	78,542.76
Arkansas	97,630.38
Maine	50,286.45
Mississippi	42,608.14
Nevada	70,419.50
South Carolina	100,146.85
Vermont	30,119.75

$3,000,000; and of this increase $4,000,000 only had been authorized by the legislature or the people.

At the end of six years only of a government irresponsible to the people, the public debt amounts to $25,000,000—more than one-fourth of the assessed valuation of the property of the District. Meanwhile, $13,000,000 have been assessed as special taxes (on property of the citizens), $10,000,000 have been assessed as general taxes (also on the property of the citizens), and Congress has appropriated $6,000,000. Deducting the original indebtedness, we find the enormous sum of $50,000,000 as the net expenditure of six years' government by officers "appointed by the President and confirmed by the Senate." (Senate Report No. 572, second session Forty-fourth Congress, page 11; House Report No. 647, first session Forty-third Congress.)

And yet, time and again has the statement been made in Congress and in the public prints that this enormous debt, and the reckless extravagance by which it was produced, was the legitimate result of popular government in the District. (See Congressional Record, December 21, 1883, page 229; J. A. Kasson in N. A. Review, September No., 1883, page 228; Congressional Record, June 14, 1883.)

The fact that the national capital is located in the District can make no difference, because the proposed change would in no manner affect the exclusive jurisdiction of Congress over the District, and the very small voice which the District would have in Congress could never become a source of danger.

On the contrary, it would be an additional source of strength, for all history shows that nothing is more dangerous to the peace and well-being of a political capital or any large city than a large mass of its population who feel that they have been unjustly deprived of their rights.

IT WAS NOT THE ORIGINAL INTENT.

Moreover, it is clear that it never was the intention of the founders of our Government that the citizens of the District should become, or be made, political eunuchs. It never was their intention, nor that of the States ceding the territorry composing the District, that the inhabitants thereof should be deprived of all voice in their own government, either local or national.

It is shown first by the statement of Madison in the Federalist before the adoption of the Constitution that "a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them."

It is clearly shown also by the fact that the States of Virginia and Maryland both, in their acts of cession, expressly stipulated that the rights possessed by the inhabitants of the District under the laws of the respective States should be preserved and continued until such time as Congress should provide a government for them after its removal hither.

It is further shown by the fact that Congress at once enacted that the laws of the respective States should continue in force, only changing them from time to time as circumstances required.

It is further shown by the fact that Congress not only recognized and continued in force the local governments previously established by the States at Alexandria and Georgetown, but also established a similar local government for Washington, all of which it continued for nearly seventy years.

These citations, although relating more especially to local government and the State laws in force here, show clearly that no one at that time had any idea of depriving the inhabitants of the District of any of their rights as citizens, but on the contrary looked to their preservation, and

especially of the right of suffrage, that sole badge and protection of freemen.

In speaking of the local governments existing in the District, Story, in his Commentaries on the Constitution, says:

> In point of fact, the corporations of the three cities within their limits, possess and exercise a delegated power of legislation under their charters granted by Congress, to the full extent of their municipal want, without any constitutional scruple or surmise of doubt. (Story on the Constitution, section 1223.)

And yet, we now hear it said by thoughtless persons, and by those interested in continuing the present condition of affairs, that it is unconstitutional to even give us a local government for the management of our purely local affairs.

THE CESSION DID NOT CONTEMPLATE OR AUTHORIZE IT.

The cession by the States to the United States was simply that of general jurisdiction, and was not designed to deprive the inhabitants of their rights as citizens. It simply transferred the general jurisdiction from the States of Maryland and Virginia to Congress. It followed, of course, that the people of the District could not thereafter exercise their political rights as citizens of those States; but that is no reason why we should be deprived of our rights as citizens of the nation. In all other respects we should have and enjoy the same rights under the Constitution, and have the same voice in the National Government as the same number of citizens living in the States.

There is nothing in the Constitution that inhibits it. If the proposed amendment should be adopted, the exclusive jurisdiction of Congress over the District would remain precisely the same as now. The only effect would be to give us a voice in the National Government the same as other citizens have; and ought not we to have that? If not, why not?

Are we not as intelligent, as patriotic, as competent? Do we not bear the same burdens, render the same service, and are we not interested the same as they? Then why should we not be represented the same as they?

The reason why this was not done at the beginning is apparent—simply because the number was too small; for the same reason that a new settlement on the public lands is not at once made a Territory or a State.

That the people of the District would have a representation in the National Government was clearly the expectation of the legislators in early days of the Government, as is shown by the following from the debates in Congress in 1803. In speaking of the District, Mr. Huger, of South Carolina, said:

> He looked forward to the period when the inhabitants, from their number and riches, would be entitled to a representative on this floor. And with respect to their local concerns, when they grow more numerous and wealthy, there would be no difficulty in giving them a territorial legislature.

Mr. Randolph considered the idea of depriving the people of the District of the right of self-government as a dangerous experiment. Said he:

> Domestic slavery is of all others the most oppressive; and political slavery, which has been well defined to be that state in which any community is divested of the power of self-government, and regulated by law to which its assent is not required and may not be given. This species of government is an experiment how far freemen can be reconciled to live without rights; an experiment dangerous to the liberties of these States.

The time mentioned by Mr. Huger has now come. The population of the District is more than sufficient to entitle them to a Representative in the House. It is greater than some of the States, and the amount of taxes paid is larger than is raised by some of the States for State purposes; and yet those States have two Senators and a Representative, while we have neither.

It has been suggested that to give the District a single Senator would disarrange the natural condition of affairs, by which the President of the Senate has a casting vote whenever there is a tie, the vote of the single district Senator in such case balancing and thereby neutralizing the casting vote. The same condition precisely exists, whenever, as now and frequently before, the Senate has a President *pro tem.*, and no serious difficulty has arisen from that fact.

If, however, that be a serious objection, it can be remedied by giving the District two Senators. It has more population, more wealth, and more revenue than several of the States, so there would be nothing unusual about that. They would of course represent the interests of the General Government just to the extent that it owns property and is interested in the District, the same as they would that of the citizens; and that would also be true of the Representative in the House.

One would naturally expect to see at the capital of the greatest republic on earth the most perfect example of republican government; while, as a matter of fact, we have absolutely no voice either in national or local affairs.

But do you tell me that Congress legislates for the District? Yes; and how? By setting apart one or two hours of one or two days in a month, and then when the time comes crowding it off the floor, to give room for matters in which members are interested elsewhere. Twice has this occurred during the present month, and not a session passes in which it does not occur. Members and Senators have no time to devote to District affairs. They have all they can do to represent their own constituents—to look after the interests of their own districts and States. That is what they are sent here for, and it can not be expected that they should neglect those interests to look after ours.

Mr. Randolph saw and predicted this state of affairs when he said:

> The attempt to legislate for the District was, in effect, to constitute the chairman of the committee, or at any rate the committee itself on the affairs of the Territory, the Solon or Lycurgus of the place. It is well known that the indolence of other members or their indifference, inseparable from the situation in which they were placed, would prevent Congress from legislating with a full understanding of the objects before them.

As a proof of the correctness of his statements, look at our condition to-day. Here we are with a *hotch-potch* of old colonial laws, obsolete State laws, fragmentary acts of Congress, acts of the former city councils and Territorial legislature, so jumbled together and mixed up that no one can tell what the law is. An act that is legal in Washington is illegal in Georgetown, and vice versa, while in the county the law is still different.

An act that is punishable in one division by a certain penalty is punishable by a different penalty in another section, and in still another section is not punishable at all! Here we are with our streets blockaded by railroads day and night, and though for years we have begged for relief, and though a special committee has been charged with the duty of devising some plan of relief, yet now, at near the close of the long session, not a thing has been done!

And so it is with other matters—the police, fire-engines, schools, the

river improvement, and nearly everything in which we are interested. The years come and go, Congress meets and adjourns, but the affairs of the District remain *in statu quo*. We are lucky if, by the last day, we can even get the District appropriation bill passed.

Does any one believe that if we had a representative in the two houses this state of affairs would remain? Certainly not; for then we would have some one there to inform Congress of our needs, and to see that they were attended to.

As an illustration of the effect of the District having no representation in the national councils, take the matter of public schools, the foundation stone of a republican form of government. Congress distributed to the States $28,000,000 in money, of which the District got not a cent. It has given to the States about 90,000,000 acres of public lands for schools, 155,000,000 acres more for railroads and internal improvements, besides all the overflowed and swamp lands, and to the District it has never given for these purposes a dollar of money or an acre of land. It has placed on the statute-book a law fining every parent or guardian residing in the District who fails to send each child to school twelve weeks each year, and yet there are 10,000 more children on the school-rolls than there are school seats.

And we are not permitted to use even the taxes we pay, to build a school-house without an act of Congress. When the Blair bill was pending in the Senate a couple of years ago, it was amended by striking out the District from any share in the same, though since replaced. And all this, too, while over one-third of the scholars are the children of colored persons, a large portion of whom were brought here by the war and left on our hands without even food to eat, and for whom, by a law of Congress, we are required to spend as much per capita as for our own children, and another large portion the children of non-residents, temporarily here in the service of the Government. Why this difference of treatment? Simply because we have no voice in the matter. No other reason can be given.

We have heard much of late about "home rule" in Ireland, and there is scarce a public man in either party who has not indorsed the justice and necessity of the same. And yet Ireland has now what we ask for—a representation in the National Government. Every part of Ireland is represented in Parliament. So, too, we hear much of the injustice of refusing to admit Dakota and other Territories, and still more of the alleged crime of suppressing the vote of the negro at the South; but wherein, I ask you, is either or all of these more unjust than it is to deprive the people of the District of Columbia of all voice in their own government, both national and local?

Are we not as much entitled to a voice in our own government as the Irish, or the negro of the South?

With us this is not a party question. I do not know whether the District would be Republican or Democratic. That has nothing to do with the question. What we ask, and all we ask, is that we may be put upon a par with other citizens of the nation; that we shall have at least the same political rights so freely conferred on the foreigner the moment he lands on our shores. We ask it for ourselves, we ask it for our children. It is but simple justice, and I can not believe that a committee of the United States Senate will deny us this, which is our birthright.

Respectfully submitted.

W. C. DODGE.

WASHINGTON, D. C., *April* 27, 1888.

The National Capital—Facts not generally known—What the citizens of the District of Columbia have done for the nation, and how governed.

(1) They donated to the United States five-sevenths of all the land in the city of Washington; for streets and avenues, 54 per cent. of the entire area or 3,604 acres; for reservations, 541 acres; one half all of the city lots (10,136), 1,508 acres; the lots being given to help erect the public buildings (for which Congress made no appropriation when it located the Capital July 16, 1790), and to open and improve the streets.

(2) Up to 1835 the citizens (13,000 whites and 7,000 colored, mostly slaves), had expended for street improvements, mostly around the public buildings, $430,000; the United States, $209,000. From 1790 to 1878 the United States had expended (aside from the public buildings) less than $6,000,000, the citizens $20,000,000, besides $25,000,000 for local government, schools, etc.

(3) The citizens have invested in new buildings from 1879 to 1887 $32,000,000; now $45,000,000. From 1871 to 1879 some $10,000,000 to $15,000,000 more, no record having been kept of them.

(4) The citizens paid a direct tax of $20,000 for the war of 1812, raised a voluntary fund of $5,000 and gave it to the President to defend the Capital, fitted up a building for Congress when the Capitol was burned, and tendered a loan of $500,000 to rebuild the public buildings, which Congress accepted.

(5) For the late war we paid a direct tax of $50,000, no portion of which has been refunded, as has been to many of the States.

(6) We have paid an internal revenue tax of $6,454,907.03, twice as much the past year as any of the Territories except Dakota; more than either Alabama, Arkansas, Maine, Mississippi, Nevada, South Carolina, or Vermont.

(7) We furnished our full share of volunteers for the war of 1812 and the Mexican war. In the late war we furnished our full quota and 18½ per cent. over, while but seven States filled their quotas, and but one equaled the District. In the late war, the first volunteers enrolled were citizens of the District.

(8) The United States has given to the States $28,000,000 in money for schools, 90,000,000 acres of public lands, and for railroads 155,000,000 acres, besides the swamp and overflowed lands, of which, up to October, 1889, they had selected 80,000,000 acres, as per Land Office record; to the District not a dollar or an acre of land. The citizens supported their own schools by taxes, and for Government employés and the colored also.

(9) The United States owns half of all the property in the District, on which it pays no taxes, and never contributed anything for local government or schools prior to 1878.

(10) The population is nearly a quarter of a million; the assessed value of property over $238,000,000; taxes paid by citizens for 1887, $2,374,914.53.

(11) Debt created by the citizens under self-government during seventy years, $3,105,067.85; debt created by officers "appointed by the President and confirmed by the Senate" in less than six years, $25,000,000; present debt, $20,587,450, the interest and sinking fund requiring an annual payment from the District revenues of about $1,300,000, or nearly one-third of the entire revenues.

Since 1878 the United States appropriates an amount equal to the taxes collected; a little more than enough to pay the interest and sinking fund on the debt which its officers created.

We citizens have absolutely no voice in our own government, not even the selection of a school trustee, the only government being two Commissioners "appointed by the President and confirmed by the Senate," and one military officer detailed by the President. These three men enact all our municipal laws, police regulations, health regulations, and regulations for building, plumbing, etc., and change them as they please without consulting the citizens. They appoint all local officers, school trustees, etc., and make up the estimates for the expenditure of the entire District revenues as and where they please. For example, I pay nearly $850 taxes, and I have no more voice in the expenditure of it or in the management of our local affairs than have the serfs of Russia in theirs.

And this in the capital of the Great Republic! Is this Republican? How can our party consistently advocate "home rule" for Ireland while denying it to us in the District of Columbia? Are we not as intelligent and as competent as citizens elsewhere? Do we not bear the same burdens and pay the same taxes as other citizens of the nation? Why, then, should we not have "home rule," so far as our purely local affairs are concerned? Of course the General Government has "exclusive jurisdiction" in all other matters.

W. C. DODGE,
116 *B Street Northeast.*

WASHINGTON, D. C., *June*, 1888.

Facts and opinions of distinguished men.

[Collected and arranged by Appleton P. Clark, Esquire.]

Any person unacquainted with the facts would imagine from the current talk in and out of Congress that the city of Washington had grown from a small, rustic, unimproved village since and in consequence of the abrogation of the right of the people to participate in their local government. That portion of Mayor Wallach's annual message to the city councils June 24, 1867, upon the "growth of the city" may serve to correct such erroneous impression. He says:

The commonest criterion of prosperity is the ratio of increase of population and property. Upon this principle Washington exhibited a higher ratio in 1860 than all other cities of the Union of equal or greater population but seven, viz, Brooklyn, Newark, Philadelphia, and New York in the North; Chicago, St. Louis, and Louisville in the West. The ratio of increase of the District of Columbia from 1800 to 1860 will be found to be 432.75 per cent., while that of contiguous States was, Maryland 114.88 per cent., Virginia 113.32 during the same period; the progress of Massachusetts was but 225.06 per cent. In the District of Columbia, from 1830 to 1840, the increase was 9.74 per cent.; from 1840 to 1850, 18.24 per cent.; from 1850 to 1860, 45.26 per cent., while the increase of the United States at large for the last period was but 35.59 per cent.

According to the census the increase of the District of Columbia on real and personal property from 1850 to 1860 was nearly 200 per cent. (193.06); the increase in the United States at large for the same period was 126.50 per cent.; Pennsylvania 96.45 per cent.; Indiana 160.95 per cent.; Ohio 136.54 per cent.; Maryland 71.93 per cent.; New York 70.63 per cent.; and Massachusetts 42.19 per cent.

He says:

It would be no exaggeration to assert that we are growing rich more than twice as fast as New England, New York, and Pennsylvania.

The increase of population, according to the census of the District of Columbia from 1860 to 1870, was from 75,080 to 131,700, and the assessed property from $41,018,874 to $74,271,693; being an increase of above 75

per cent. in population and above 80 per cent. in wealth. If these truths do not evidence the compatibility of progress with people's rule what do they prove? According to census, under the government of the board of public works and Commissioners from 1870 to 1880, the increase in population was about 35 per cent.; the increase in wealth was about 34 per cent.

Mayor Bowen, in his annual message July 19, 1869, says:

> During the past year our city has been wonderfully favored. * * * Intemperance, the bane of many who would otherwise be ornaments to society and useful to the world, is largely on the decrease, and it is now a rare circumstance that an intoxicated person is seen on the street; and in regard to improvements, we have enjoyed a season of uninterrupted and unexampled prosperity, which has had the natural effect to increase our wealth and population. * * * In no one year have so many first-class buildings been erected or so many improvements been made within the city limits as in the fiscal year just closed. The many calamities that were to befall us in case of emancipation and universal suffrage have proved mere phantoms.

His successor, Hon. Matthew G. Emery, in his message June 13, 1870, says:

> The great questions of universal freedom have been settled by the voice of the nation. It is our duty to see, as far as our power extends, that the national voice is obeyed. In our country the elective franchise may be further extended, but it will certainly never be taken away from any part of our citizens until we are ready to acknowledge that government by the people is a failure. * * * To the large number who preferred another for the office to which I have been chosen, I have only to say that the fair and manly exercise of an undoubted right has in no way diminished my appreciation of them as free citizens, and has not made them liable to unjust discrimination. * * * It is our business to promote the welfare of every class and not a favored few.

Webster, in his oration at the completion of Bunker Hill Monument, remarked:

> America has proved that it is practical to elevate the mass of mankind—that portion which in Europe is called laboring or lower class; to raise them to self-respect, to make them competent to act a part in the great right and great duty of self-government.

The cardinal feature of our complex system of government is the successful effort to secure political equality through its representative principle. States are divided and subdivided so that, in harmony with the same general plan of representation, the people in even the smallest division are recognized in the management of their local affairs; in their county and State and in the National Government. It is not absurd or empty sentimentalism to assert that the American people, almost without exception, of all political parties, prefer and select men of the highest character and most competent to represent them in matters of public welfare.

The selections by election in the District of Columbia were not exceptions. From the caucuses of neighbors in these minor subdivisions eminent statesmen are brought to the front who wisely direct the interest of the government and legislate for the good of the governed. In the associations of these small divisions through representatives in counsel each section of towns, cities, and states secure their equal rights, leaving nothing to favoritism. In this manner those living in the remote suburbs of a city obtain their share of public improvements. The traveling public are benefited through the safety assured by well-lighted and systematically patroled thoroughfares. In large cities where the people rule, magnificent improvements are inaugurated, grounds are laid out for public recreation, systematic plans are executed for the pleasure, convenience, comfort, and health of its citizens, on a scale commensurate with their enterprise and opportunities.

Until 1871 the people of Washington and Georgetown enjoyed such representation as we have seen in their local matters as similar divisions in the States. The city charter of Washington was a model of adaptedness, made so from time to time by eminent statesmen as each period in its history seemed to demand; that of Georgetown was co-existent with the Constitution, having been granted in 1789. Their municipal debts were small; the people governed themselves; now they have no voice, either in local or in national affairs.

On this departure from the the representative principle a British ambassador is quoted as saying:

> Why, your very government at your capital is a living protest against republicanism.

Webster says:

> Our history hitherto proves that the popular form is practical, and that with wisdom and knowledge men may govern themselves, and the duty incumbent on us is to preserve the consistency of this cheering example, and take care that nothing may weaken its authority with the world. If, in our case, the representative system ultimately fails, popular government must be pronounced impossible.

The moment we depart from these representative principles or essentially disturb their operation in practice, we enter on a line of error which, if pursued, will be certain to undermine and destroy the Republic itself. Probably there are at least forty thousand men in the District of Columbia who are between the ages of eighteen and forty-five years. These men compose the enrolled militia and are liable to be called into the field by draft or otherwise, the same as those of corresponding age in other American cities to maintain the peace, assist in holding up the laws and repel invasion, and can be sent in case of emergency requiring military force to any part of the country, and yet they have no representation in their government either national or local, and have no voice in the choice of an Executive at whose command they may be ordered to leave their homes, their wives and children, and risk their lives on the battle-field in their country's service. Is this right? At the capital of a republic like ours, a people's model government should exhibit to the resident ambassadors of all nations the safety and stability of its free institutions, be an illustration of the good sense and sound judgment of a people vested with political rights. In this respect our present form of local government is essentially wrong, not only in these requisites of freedom of opinion, but in that it is based upon the assumed incompetency of one of the most intelligent communities in the world to govern themselves, denies home rule to the people to the discredit of republican institutions everywhere, destroys all incentive on the part of the great body of the young men to interest and educate themselves either in local affairs or in the general government.

It is manifestly wrong in principle in that it has created in the minds of some a dread of innovation, a political sluggishness inconsistent with American vigor, and prompts otherwise good citizens to assent to the sacrifice of their rights and the rights and interest of the community at large than trust to the supremacy of the people.

This low standard of patriotism contemplates only our own convenience and personal aspirations. Our political horizon should not be bounded by own needs alone, but be far reaching enough to subserve the interest of the whole people. The value of the independence secured and bequeathed to us we find most certainly depends upon individual sovereignty, hence it is our duty to teach the value of the elective franchise to our children so that they may never despise its worth, or wish to avoid its personal responsibility.

It is currently reported that the President consulted three estimable citizens lately in regard to the appointment of a local ruler over the 230,000 people in this District; the man appointed is deservedly much respected for his integrity and ability, and would probably receive the entire vote of his party if subject to the suffrages of these people. Yet in this act, local self-government finds no recognition, admire the appointment as much as we may.

This is no objection as to the manner of exercising the appointing power, but an objection to the system; of course it is practically impossible for the President to consult the whole people or a majority of them. He must get his information from a few, and these few may not represent the wishes of the many and sometimes they may have interests of their own to subserve which are hostile to the people at large. The only safe way is to let the people at large speak for themselves by the American plan of voting.

A ruler independent of the people over whom he presides is abhorent to the principles of free government. Power without a check is tyranny, and whoever is possessed of such a power is master instead of governor, and whoever submits to such a power is a slave instead of a subject.

(From report of committee to inhabitants of Boston adopted in town meeting assembled May 6, 1772. Committee: Dr. Joseph Warren, Hon. Josiah Quincy, and others.)

John Randolph (H. R., February 9, 1803):

Political slavery, which has been well defined to be that state in which any community is divested of the power of self-government and regulated by laws to which its assent is not required and may not be given. * * * Sir, the form of government, such as has been described, however mild and beneficent it may be in its administration, places those subject to it in a state of political slavery. * * * As to the existence of this species of slavery it mattered not whether the people of this District were regarded as the favorite son and feasted on the fatted calf, or were exposed to the cruel rigor of a stepmother.

[Extracts from Boston orations, delivered at the request of the inhabitants of Boston to commemorate the evening of the 5th of March, 1770.]

Hon. James Lovell (April 2, 1772):

Who are a free people? Not those who do not suffer actual oppression, but those who have a constitutional check upon the power to oppress. (Principles and Acts of the Revolution.)

Joseph Warren (March 5, 1772):

It is undeniably true, that the great and most important right of a British subject is, that he shall be governed by no laws but those to which he either in person or by his representative hath given his consent; and this I will venture to assert is the great basis of British freedom. * * * I do not conceive it to be of the least importance by whom our property is taken away so long as it is taken without our consent.

Oration March 5, 1775:

No man or body of men can, without being guilty of flagrant injustice, claim a right to dispose of the persons and acquisitions of any other man or body of men, unless it can be proved that such a right has arisen from some compact between the parties in which it has been explicitly and freely granted. * * * Even anarchy itself (though truly to be deprecated), is infinitely less dangerous to mankind than arbitrary government. Anarchy can be of but short duration. But tyranny, when once established, entails its curses on a nation to the latest period of time.

Declaration of rights, Maryland:

The right of the people to participate in the legislature, is the best security of liberty and the foundation of all free government.

Madison:

The right of suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the legislature. A gradual abridgement of this right has been the mode in which aristocracies have been built on the ruins of popular forms. (Elliott's debates.)

Speaking of the District of Columbia he says:

A municipal legislature derived from their own suffrages will of course be allowed them. (Federalist.)

Dr. Franklin "quoted as arbitrary the British statute setting forth the danger of tumultuous meetings, and under that pretext narrowing down the right of suffrage * * * observing that this statute was soon followed by another under the succeeding parliament, subjecting the people who had no votes to peculiar hardships." (Elliott's Debates.)

Senator Morton, of Indiana:

The path of duty is the path of safety, and that is to organize this Government in accordance with the principles of republican government so far as we can do it; and I believe the path of duty consists in giving the people of the District the control of their local and domestic affairs. (Cong. Globe, February 12, 1875, p. 120.)

Exclusive legislation over the District—Madison:

The indispensable necessity of complete authority at the seat of Government carries its own evidence with it. It is a power exercised by every legislature of the Union, I might say of the entire world by virtue of its general supremacy. (Federalist.)

Chief Justice Woodward, of Pennsylvania:

Exclusive legislation, exclusive of what? Exclusive of the legislation of the States. That is the plain meaning of that portion of the Constitution. (Cong. Globe, 41st Cong., pt. 1, page 644.)

Hon. Samuel J. Randall:

I am inclined to believe, judging from the rules of common sense, that this is correct, especially in view of the citation from Judge Story, which clearly establishes the right of Congress to delegate the legislative power in reference to this District. * * * Nothing can be feared in my judgment from delegating this power to the people. (Cong. Globe, 41 Cong. page 645.)

Senator Oliver P. Morton:

The word "exclusive" there means that it shall be entirely taken from the States which cede it; that the States ceding it shall lose all control over it, that it shall be exclusively in Congress so far as the States ceding it are concerned; but it never meant that all legislative power or all government should be directly exercised by Congress. (Cong. Record, 43d Cong., vol. 3, part 1, page 121.)

Senator Logan:

I maintain that the same principle applies as to the question of the rights of citizens in the regulation of their municipal affairs in the city of Washington that applies to all other cities. * * * The rights of the citizens here are the same as the rights of citizens everywhere else in cities. (Cong. Record, vol. 3, pt. 1, page 123.)

Lord Coke:

The very act of taxing those who are not represented appears to me to deprive them of their most essential rights as freemen, and if continued, seems to be in effect an entire disfranchisement of every civil right.

Wm. H. Seward:

In accordance with the opinion adopted as early as any political opinions I ever had, and cherished as long, that the right of suffrage is not a mere conventional right, but an inherent natural right, of which no government can rightly deprive any adult man who is subject to its authority, and obligated to its support.

Boston Daily Globe, January 12, 1886:

The only guaranty for good, honest government for us, as for our fathers, lies in the regular submission of all our public affairs to the jury of the whole people. As an educative agency alone the annual elections of Massachusetts are worth all and more than all they cost, whether in time, energy, or money.

In this District "more than fifty thousand boys are growing up to man's estate without any practical knowledge of the duties of citizenship. They read of elections in the States, just as they read of elections in England and France, but they have no object lessons in democracy. In a few years we shall have a million inhabitants in the District, most of whom will have been reared in a community destitute of suffrage. Will that be such a population as ought to exist in the capital city of the greatest republic on earth? We think not."

New York World, April 17, 1887—City Home Rule Wanted:

The experiment of transferring the main responsibility for the government of this city to Albany has not proved a success. It was an expedient relied upon by a large class of our citizens to secure relief from political duties. * * * The plan does not work. The voters throughout the State are not going to lie awake nights considering our immediate comfort and welfare. And if their representatives vote in favor of a nuisance here they have no special incentive to inquire into the motives therefor. The people of this city have invited a virtual despotism and now they are living under it.

Letter of Appleton P. Clark, Esq., to Senator Blair.

WASHINGTON, D. C., *June* 14, 1890.

DEAR SIR: In November last, I sent a letter of which Exhibit "A" is a copy, accompanied with a document, of which Exhibit "B" is a copy, to a number of citizens of the District of Columbia. In reply, I received answers orally and in writing. Those in writing I hand you herewith, and I will say that those received orally were substantially the same in effect. With here and there an exception, there is unanimity in favor of the proposed amendment, and a desire that it, or some other of like import, may be submitted by Congress to the several State legislatures for their consideration and action.

You will notice, on reading the letters of citizens, that some of them favor not only the proposed amendment granting representation in Congress and the college of electors to the District, but also a local government republican in form.

While I am not now urging the latter measure, I may say, in passing, that all or nearly all the more valuable public improvements in the District were originally suggested and mapped out by officers serving under the elective principle, in local governments republican in form. In proof of this claim I refer to the messages of mayors and to the numerous reports and acts of the city councils. The principal suggestion for a public improvement made since the people have been deprived of suffrage was the proposed tunnel. It is sincerely to be hoped that no one will accredit this tunnel business to "unrestricted suffrage."

What I claim for local self-government at the capital is, that under it the people uniformly elected officers of good character and intelligence, certainly the equals of their unchosen representatives; that they maintained order and protected life and property and that they suggested nearly all the more valuable public improvements of the District, such as erecting suitable buildings for the public schools, rectifying the profile of the streets and avenues, and grading, parking, and paving the same, and the like. They not only mapped out the work to be done but they commenced doing it. They built school-houses in a creditable manner and they laid asphalt pavements which are unsurpassed by any since laid. Says the Star of July 29, 1889:

There are asphalt pavements and asphalt pavements and the difference between the good and the bad is a very wide one, as Washington knows to its cost. Perhaps the

best example we have of what a pavement ought to be, is the section on Vermont Avenue between H and I streets, and it is to be regretted that more streets were not so fortunate as to be thus favored.

And more streets undoubtedly would have been "thus favored" had not popular government in the District been overthrown. Thereafter the control of public works passed from elective officers responsible to taxpayers, to appointive officers independent of them. The result was probably not foreseen, but it was none the less disastrous. Within a comparatively short time obligations high up in the millions were incurred, and vast sums of money expended. A debt was hung to the necks of District tax-payers unequaled elsewhere—in this country, at least. The matter grew to be a national scandal; but it was not, as has been falsely charged, a result of popular suffrage, or self-government in the District. Says Senator Allison, Vol. 3, part 2, page 1204, of Congressional Record, 1875:

It was the board of public works that created this debt, a board created by our laws, appointed by the President and confirmed by the Senate.

Speaking of this board and recalling the evolution in the District government from democracy to oligarchy reminds me of what Hallam tells us in his great work on constitutions, namely: That "all governments begin as pure democracies, drift into oligarchies (where we are now), and end in monarchies." At the end of the first hundred years of the Republic our local government finds itself drifted into an oligarchy. The next step is monarchy, and some people think they see, even now, a tendency that way, among the apologists and beneficiaries of the present order of things. The common people, however, are very far from being satisfied with the evolution already made from democracy to oligarchy, and are not likely to rest quiet should a further evolution in the interest of the privileged classes be undertaken.

In autocratic Russia and aristocratic England local self-government prevails to a large extent. It is claimed that Birmingham in England "is the best governed city in the world." But "the plan in Birmingham," says a writer in the June number of Harper's Monthly, "is to distribute the power among as many persons as possible, even outside the council; to interest and make responsible as many citizens as possible—all, or nearly all, the officers are elected by the voters."

We are reminded (among the apologies made and excuses given), however, that the abandonment of the elective principle for the appointing system in the District of Columbia was the desire to simplify government. Of such attempts Webster says:

The object of a free people is the preservation of their liberty; and liberty is only to be preserved by maintaining constitutional restraints and just divisions of political power. Nothing is more dangerous than the pretense of a desire to simplify government. The simplest governments are despotisms; the next simplest, limited monarchies; but all republics, all governments of law, must impose numerous limitations and qualifications of authority. This is the very essence of free political institutions.

But I have said more on this subject than I intended.

On the other subject, the question of District representation in Congress and in the electoral college, I will be brief. The facts are these: The District of Columbia contains probably between 225,000 and 235,000 inhabitants, and this number is rapidly increasing. At any rate there are more people in the District than in either one of several of the States, and they pay more taxes than are paid by either one of a number of States, and yet, says Mr. Wilson, of West Virginia, "at no point *touching* the administration of their own affairs." Is this right, or *expedient*, or even just? I think it is neither. Of course, the District of

Columbia, as compared with the aggregate of States, is small; but its political enslavement involves a principle not so very small—injustice never is. You may tax the people of the District without allowing them any voice or vote in the matter, and you may dominate them by officers in whose selection they are not consulted, but sooner or later such discrimination against them may be expected to work harm to the Republic. It did so in the analogous case of discrimination against a race, which resulted in civil war. Nor is the harm of injustice to subordinate communities confined to republican governments; England lost her American Colonies for attempting to subject them to taxation without representation. The Colonies objected to being taxed by a Parliament in which they were not represented. It was a question of principle, and not of unwillingness to bear their share of the public burden.

"They foresaw in the claim of Parliament a seminal principle of mischief, the germ of unjust power," and they stamped upon it and destroyed it, except as to one small germ. That little germ, unfortunately, they allowed to live and take root in the District of Columbia, and from it has grown the "mischief" which the Colonies would not tolerate in their own case, namely, taxation without representation. True this germ has matured slowly, and, like the century plant, has only unfolded its blossom of "unjust power" at the end of a hundred years. But the "seminal principle of mischief" was in the Constitution all the while, and is there yet; and it is the purpose of the proposed amendment to take it out, not by withdrawing power over the District from Congress, but by allowing the District to be represented in Congress. The proposition of the amendment is, as I understand it, a proposition to put the people of the District of Columbia on an equality with the people of the States in the national legislature and in the electoral college.

It still leaves them without any right of local self government, and their Representatives will have no more power over local affairs here than other members of Congress, except only the power of giving information. Congress must have information of District needs from somebody, and whoever is officially authorized to give it will be able to shape and greatly influence District legislation. This is a very important matter, as the District has learned to its cost. Should the amendment prevail, this matter will be lodged where it ought to be, with Representatives chosen by the people and responsible to them. I am aware that this whole question of self-government is somewhat one-sided. It is hard to demonstrate that two and two make four, and apparently a waste of time to argue at this late date that all American citizens ought to be treated alike. Nevertheless, I want to add one other suggestion. The framers of the Constitution foresaw that changes in it might become necessary either from growth of population or other causes, and they therefore provided for its amendment. The condition of things at the capital has greatly changed during the hundred years since it was founded. Its population has grown from a few farmers tilling the ground on which the city is built to hundreds of thousands, and they are taxed the same as the people of the States are taxed for the support of the Government, and are liable to conscription for its defense in case of insurrection or invasion the same as the people of the States, and yet they have no Representatives chosen by themselves and responsible to themselves to look after their interests. Manifestly this is unfair and unjust.

Respectfully,

APPLETON P. CLARK.

Hon. H. W. BLAIR,
United States Senate.

EXHIBIT A.

Circular letter of Appleton P. Clark, Esq.

WASHINGTON, D. C., *November* 7, 1889.

DEAR SIR: I inclose herewith for your consideration a copy of a proposed amendment to the Constitution of the United States, intended to confer upon the people of the District of Columbia the common rights of American citizenship. It provides that the people of the District shall be represented in Congress, which makes their laws, and in the electoral college, which chooses their Chief Executive.

The position of the District with reference to all the States is precisely the same as that of a city to the State in which it is located, and should be dealt with in the same way. This can not now be done for want of constitutional authority.

The people of a city in a State are part of the body politic, and have a voice in their State legislature and in choosing their chief executive, or governor; but the people of the District are no part of the body politic, and have no voice in their legislature, nor in choosing their Chief Executive. They have absolutely no part or lot in the government placed over them, except to pay taxes. Certainly such a state of things can not be defended as republican, and if defended at all, it must be on the ground that republican institutions are a failure, or that a despotism is better.

The proposed amendment aims to do away with this reproach upon republican government, and to wipe out an unjust discrimination against the people of the District. It appeals to the American sense of fair play and equal political rights for all, and to the justice of Congress and the people of the States.

You will notice that the proposed amendment is wholly outside the question of local government. If adopted, Congress will have exactly the same control it has now.

I should be glad to obtain your views respecting the proposed amendment for the purpose of laying the same before the proper committees of Congress at its approaching session.

Very respectfully,

APPLETON P. CLARK.

EXHIBIT B.

District of Columbia.

[From Congressional Record of April 4, 1888.]

Mr. BLAIR: I present the draught of a constitutional amendment proposing to give the District of Columbia representation in both Houses of Congress. I ask that the proposed amendment, together with a short letter, be printed in the Record and referred to the Committee on the Judiciary. (Subsequently referred to the Committee on Privileges and Elections).

The papers are as follows:

[Proposed amendment to the Constitution.]

Whereas the people of the District of Columbia are subjected to taxation without representation, contrary to a fundamental principle of all free government: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the Constitution, namely:

ARTICLE XVI.

SECTION 1. The District of Columbia shall be entitled to representation in the Congress of the United States by one Senator, and by one or more Representatives, according to the rule of apportionment established by Article XIV, of the Constitution. Said District shall also be entitled to as many electors for President and Vice-President of the United States as it has members of Congress.

SEC. 2. Congress shall provide by law the time and manner of choosing the Senator, the Representative, or Representatives, and the electors authorized by this article.

[Letter.]

WASHINGTON, D. C., *March* 19, 1888.

DEAR SIR: I inclose herewith a draught of an amendment to the Constitution of the United States conferring representation in Congress and in the electoral college upon the people of the District of Columbia.

It will be noticed that the proposed amendment does not touch the question of local government for the District, but leaves that matter, where it is now, with Congress. It simply aims to confer upon the people of the District some voice in the legislature which makes their laws and imposes their taxes, and in the election which determines who shall supervise the execution of these laws.

There is no good reason that I can see why the people of the District, now estimated at a quarter of a million in number, should be relieved of the common duties or denied the common rights of other citizens, but many why they should not. They are protected and taxed; go to war and conduct themselves in peace like others; and who shall say they are not equally intelligent and patriotic? To excuse such a people from political duties or to hold them in political slavery is not only injurious to them but to the whole people.

"From all the history of the European world since the later days of the Roman Republic," says Prof. John Fiske in his article on "The Beginning of the American Revolution," in the March number of the Atlantic, "there is no more important lesson to be learned than this, that it is impossible for a free people to govern a dependent people despotically without endangering its own freedom."

What is meant by governing despotically was stated at the beginning of the century by John Randolph.

"Political slavery," says Randolph, "has been well defined to be that state in which any community is divested of the power of self-government, and regulated by laws to which its assent is not required and may not be given." And he adds, "This species of government is an experiment how far freemen can be reconciled to live without rights; an experiment dangerous to the liberties of these States."

According to general acceptation, slavery implies not only subjection, but that the superior power may appropriate the earnings of the enslaved without their consent. This is precisely what is done by taxation without representation. If a man or body of men may levy a tax of 1 per cent. on other men's earnings without their consent, they may levy a tax of 10 per cent., or 50 per cent., or even 100 per cent. There is no limit. The governed are at the mercy of their governors.

This is depotism, pure and simple. Randolph declared such a state of things in the District to be dangerous to the liberties of the States themselves, and Professor Fiske says the teachings of history are against it. It is certainly a questionable example for a republic to set. It allows citizens to shirk their political duties. It teaches the young men of the District that they have no political responsibilities. When a District father now asks his son, fresh from the high school or the college, about his political rights and duties, he gets for answers, "What is that to me? I have no concern with such matters." Sometimes the answer is worse, indicating a feeling that political duties are somehow disreputable, if not actually degrading. They take notice of the ridicule heaped upon mistakes made in attempts to perform such duties. The changes are rung on "ward politicians" and "Willard Hall" meetings, until it has come to require some courage in the capital of the Republic for grown men even to confess that they favor a government of and by the people as well as for them. Every community has, no doubt, its turbulent classes and its cranks: but is that any reason why free government should be abandoned? Are the American people willing to have their capital made the center for fostering ideas adverse to their form of government? Is this the way that the exercise of despotism over a few people is to work out the overthrow of free government for the many? It looks like it.

But I did not intend, Mr. Senator, to argue the case in this letter, but desired only to submit a proposition to grant the rights of citizenship to the people of the national capital, with a view to its presentation to and consideration by the Senate.

Very respectfully,

APPLETON P. CLARK.

Hon. H. W. BLAIR,
United States Senate.

Lord Coke tells us that it was "against *Magna Charta* and the franchises of the land for freemen to be taxed but by their own consent in Parliament." (5 Bancroft, 286.)

In 1803, on a resolution proposing to recede the District of Columbia to the States of Maryland and Virginia, John Randolph, of Roanoke, took occasion to say, that he had opposed "assuming jurisdiction over the territory from a predilection for those principles in which the American Revolution originated—from a firm belief that men

ought not to be bound by laws in whose formation they had no part. It was the violation of this principle, and not the extent to which it was carried, that had laid the foundation of our independence.

* * * * * * *

But it is denied that the Territory is in a state of slavery, because, says the gentleman, it implies that we are tyrants. The term slavery, sir, excites in the mind of man an odious idea. There are, however, various specimens of this wretched condition; domestic slavery, of all others the most oppressive, and political slavery, which has been well defined to be *that state in which any community is divested of the power of self-government, and regulated by laws to which its assent is not required* and may not be given. * * *

Sir, a form of government such as described, however mild and beneficent it may be in its administration, places those subject to it in a state of political slavery. As to the existence, then, of this species of slavery, it matters not whether the people of the District were regarded as the favorite son and feasted on the fatted calf, or were exposed to the cruel rigor of a stepmother. * * *

Men in such a situation are, as was eloquently said, fit instruments to enslave their fellow men. *This species of government is an experiment how far freemen can be reconciled to live without rights; an experiment dangerous to the liberties of these States.* (House of Representatives, February 9, 1803.)

"Our fathers," says Daniel Webster, "accomplished the Revolution on a strict question of principle. The Parliament of Great Britain asserted a right to tax the Colonies in all cases whatsoever; and it was precisely on this question that they made the Revolution turn. The amount of taxation was trifling, but the claim itself was inconsistent with liberty; and that was, in their eyes, enough. It was against the recital of an act of Parliament, rather than against any suffering under its enactments, that they took up arms. They went to war against a preamble. They fought seven years against a declaration. They poured out their treasures and their blood like water in a contest against an assertion which those less sagacious and less schooled in the principles of civil liberty would have regarded as barren phraseology or mere parade of words. They saw in the claim of the British Parliament a seminal principle of mischief, the germ of unjust power; and they dragged it forth from underneath its disguises and destroyed it to the smallest fiber." (4 Webster's Works, 109. Senate, May 7, 1834.)

Chief-Justice Ellsworth declared that "Taxation and representation ought to go together."

"I will freely spend," said Benjamin Franklin, "nineteen shillings in the pound to defend my right of giving or refusing the other shilling." (6 Bancroft, 6.)

"Don't pay for an ounce of the damned tea," wrote Christopher Gadsden, as he forwarded a ship load of rice to the poor of Boston from the planters of Carolina. (7 Bancroft, 62.)

The colonial assembly of Virginia, under the lead of Patrick Henry, declared that taxation by themselves, or by persons chosen by themselves to represent them, was the distinguishing characteristic of British freedom; that the general assembly of the colony have the sole right and power to lay taxes on the inhabitants, and any attempt to vest such power in any other persons tended to destroy British as well as American freedom. (5 Bancroft, 275.)

The town of Boston, by the pen of Samuel Adams, wrote: "We claim British rights not by charter only; we were born to them. If taxes are laid upon us in any shape without our having a legal representation where they are laid, are we not reduced from the character of free subjects to the miserable state of tributary slaves?" (5 Bancroft, 197.)

"To us the ministry appears to have run mad," said Robert R. Livingston; and he added, looking forward to resistance, "we, in New York, shall do as well as our neighbors." (5 Bancroft, 198.)

"It is not the tax," wrote a New Yorker, "it is the unconstitutional manner of imposing it that is the great subject of uneasiness to the colonies." (5 Bancroft, 280.)

"Locke lays it down," said one, "that no man has a right to that which another may take from him;" and Hopkins, of Rhode Island, asked—

"On what footing, then, is our property if the people in America are to be taxed by the people in England?" (5 Bancroft, 286.)

"But the members of Parliament," argued the royalists, "are men of the highest character for wisdom, justice, and integrity, and incapable of dealing unjustly."

"Admitting this to be true," retorted Hopkins, "one who is bound to obey the will of another is as really a slave, though he may have a good master, as if he had a bad one; and this is stronger in politic bodies than in natural ones." (5 Bancroft, 290.)

"It is an insult to the most common understanding," said Habersham, of Georgia, "to talk of our being virtually represented in Parliament."

"Are persons chosen for the representatives of London or Bristol," said the Rev. Dr. Alison, "in like manner chosen to be representatives of Philadelphia and Boston?

Have two men chosen to represent a poor borough in England, that has sold its votes to the highest bidder, any pretense to say that they represent Virginia or Pennsylvania?" (5 Bancroft, 290.)

These citations sufficiently indicate the prevailing view on this subject of taxation without representation a century ago. The strange thing about it is, that the fathers made one exception to the rule, and a conspicuous one. They excepted the capital of their own Republic. Everywhere else the rule was enforced. But here they provided for taxation without representation. They gave to Congress the power to exercise exclusive legislation over the District, which "includes the power of taxing it" (5 Wheat., 317); and they did not give to the people of the District representation in Congress. It is to wipe out this exception and correct this wrong that an amendment to the Constitution becomes necessary.

According to the last census, the District of Columbia has a population larger than several of the States:

District of Columbia	177,624
Oregon	174,768
Delaware	146,608
Nevada	62,266

In valuation of property it exceeds a number of the States:

District of Columbia	$99,401,787
Nebraska	90,585,782
Vermont	86,806,775
Arkansas	86,409,364
Colorado	74,471,693
Delaware	59,951,843
Oregon	52,522,084
Florida	30,938,309
Nevada	29,201,459

In addition to indirect taxation, which operates upon the District the same as the States, it has paid $6,454,907.03 internal-revenue taxes since 1862. During the last (reported) year it paid a greater internal-revenue tax than either of seven States:

District of Columbia	$142,172.10
Alabama	78,542.76
Arkansas	97,630.38
Maine	50,286.45
Mississippi	42,608.14
Nevada	70,419.50
South Carolina	100,146.85
Vermont	30,119.75

Its local taxation is about two and a half millions ($2,374,914.53).

Letter of William C. Dodge, esq.

WASHINGTON, D. C., *July* 23, 1890.

MY DEAR SIR: I forgot to say that if you want the most graphic history of the suppression of popular government in the District, and of the operations of the absolutism established by act of 1871, ever written, you will find it in Senate Report No. 572, second session, Forty-fourth Congress, and House of Representatives Report No. 647, first session Forty-third Congress; this latter by joint committee, of which Senator Allison was chairman in 1874.

For further information see also House of Representatives Report 627, first session, Forty third Congress; House of Representatives Report 64, second session, Forty-fourth Congress; House of Representatives Report 207, third session, Forty-sixth Congress; Senate Report 136, first session, Thirty-fourth Congress; Senate Report 479, second session, Forty-third Congress.

As to home rule in District, see statements of McComas in Record, April 10, 1890, page 3330; Candler, page 3332; Dockery, page 3335; McComas, Record, June 29, 1890, page 7188; McComas and Bland, same, *page 7190.*

Says S. S. Cox, in North American Review of December, 1886, page 577:

Next to the equality of the States, and inclusive of it, is the system of *local government for local purposes*, and the General Government for general purposes only.

The party, new or old, which forgets this exposition has already forged the keys to the vaults of the Treasury and the enchanted chambers of power.

Yours, truly,

W. C. DODGE.

Hon. H. W. BLAIR.

[Robert Reyburn, M. D. Office, 714 Thirteenth street; residence, 2129 F street.]

WASHINGTON, D. C., *November* 20, 1889.

DEAR SIR: In reply to your of November 7 (just received), I wish to state that I cordially and heartily approve the amendment proposed by Senator Blair, giving the District of Columbia representation in the electoral college and in Congress. In my opinion the present political status of the District of Columbia is a disgrace to the Republic and can not too soon be remedied.

I will lay the matter before the Committee of One Hundred at their next meeting (December 4), and hope to receive the committee's favorable indorsement.

Yours, respectfully,

ROBERT REYBURN, *M. D.*

MR. APPLETON P. CLARK.

[NOTE.—The Committee of One Hundred, of which Dr. Reyburn is chairman, subsequently considered the proposed amendment and approved the same and ordered its approval to be communicated to Congress by a subcommittee specially appointed for the purpose, of whom Dr. Reyburn is chairman. See their memorial on page 2, *ante*.]

WASHINGTON, D. C., *November* 19, 1889.

DEAR SIR: I regret that the time at my disposal is so limited that I am obliged to reply very hurriedly to your important communication.

Your project looks to an amendment to the Constitution of the United States which would give equal rights to the people of the District of Columbia with those enjoyed by the rest of the people in this country. I consider your proposition a perfectly just one. It has always seemed to me an absurdity that the inhabitants of the capital city of a country, founded upon the belief that the people are capable of self-government, should be disfranchised. The objections urged by the opponents of any change are:

First. That it involves a change a in the Constitution of the United States, and that such a change impugns the sagacity of those who framed that instrument.

Second. That mob violence at the seat of government might overawe the legislators assembled in Congress.

To the first of these objections I reply that the Constitution of the United States has already been amended by fifteen lately added articles without any such effect as that feared or any impugnment of the foresight, sagacity, and intelligence of those who framed it.

To the second proposition I reply that if they could have foreseen the marvelous changes which a few years have brought forth since they have passed away, they would have found some other method for the government of the District of Columbia than that which they established. It seems to me quite probable that they themselves might have had some few lingering doubts of the people—the result of traditional belief in monarchial institutions—which induced them to retain in some degree the substance of monarchial characteristics at the capital. It is quite certain to me that if they had ever realized the fact that the District of Columbia would have become what it now is, they would never have disfranchised its people. What in their day contained only a few hundred inhabitants, living in a wilderness, is now a population of 250,000 of as intelligent, progressive, and patriotic citizens as are to be found in any part of the United States. All intelligent people are looking forward to the time when this District and the city of Washington will contain a million people, and perhaps more, for our situation, climate, and soil are certainly as favorable as those of Vienna, St. Petersburg, Paris, or London itself. The founders of the Constitution, if they feared mob violence, could never have dreamed that the time occupied in going from Washington to San Francisco would be less than it required to go from Washington to Philadelphia in their day, and that Congress would sit, in the year 1889, practically in the presence of sixty-five million people.

It seemed a small matter in their day to disfranchise the very few whom they thought would occupy the seat of government, but does any one suppose that they would ever have thought of disfranchising what will soon become a million of intelligent citizens? There are States which have not the population of Washington City, and I believe the time will come when the people of this District will ask admission as a State—as the State of Columbia. There are objections urged by many of our wealthy citizens because of the turmoil and confusion over political rights which would arise at the time of elections, disturbing the quiet and ease of the wealthier classes, but I do not believe it is the sense of the people that this Government was established for their ease and comfort. It is in the turmoil and excitement of political contest that freedom is born, and it could no more injure us than it does other great cities of the United States. I have even heard it urged that the Treasury of the United States might be placed in jeopardy, but how is it in other cities where there are United States mints and other storehouses of the treasures of the United States? It is better to trust to the ability of the people to govern themselves than to retain a form of government which causes a great and growing population to lose their self-respect and engenders a feeling of discontent and degradation because they are not admitted to the equal rights of the citizens of their country.

You will see by what I have written that I fully agree with you in the measures you propose, but that I look upon it as only one step on the ladder of progress.

Yours, truly,

E. F. BEALE.

APPLETON P. CLARK, Esq.,
119 *Sixth street Northeast.*

WASHINGTON, D. C., *December* 15, 1889.

DEAR SIR: I am in favor of the proposed amendment to the Constitution of the United States, a copy of which you inclose to me. I see no valid reason why the people of the District of Columbia should not be represented in both Houses of Congress and in the Electoral College. If anybody else does I should be glad to have them point it out.

It is apparent that the proposed amendment does not touch the question of local government for the District, nor does it need to. Congress has now supreme legislative control over that matter and can restore to the people of the District a republican form of Government whenever it pleases. I mean such a form of local government as Madison says was intended by the framers of the Constitution, and as the earlier Congresses established, and as States gave to their cities. Should Congress withdraw its aristocratic agencies and return to a republican or popular form of government for the District, it would relieve itself from the ever-increasing burden of legislation for a municipality which, in my judgment, it should never have undertaken. No State legislature, so far as I know, undertakes to act as aldermen for cities or is willing to fritter away its time in making municipal ordinances, and why should Congress? The fact is, the people of the District of Columbia, like the people of other cities, ought to be empowered and required to make their own city ordinances and attend to their own purely local affairs, subject, of course, to the general supervision and control of Congress.

Yours, truly,

M. G. EMERY.

APPLETON P. CLARK, Esq.

FREEDOM POST-OFFICE,
Carroll County, Md., May 25, 1890.

I cordially and fully concur in the views above expressed by Ex-Mayor Emery, and trust that Congress will not hesitate to adopt them as an act of justice to a community who are so well qualified for self-government, of which the past history of the District of Columbia furnishes conclusive evidence.

JAMES G. BERRET.

WASHINGTON, D. C., *May* 27, 1890.

I fully concur in what is stated in the above and foregoing, and trust that the time will soon come when local self government will again prevail in the District of Columbia.

SAYLES J. BOWEN.

WASHINGTON, D. C., *November* 20, 1889.

DEAR SIR: I thank you for your letter of the 7th instant inclosing a copy of a proposed amendment to the Constitution of the United States, intended to confer on the people of the District of Columbia the common rights of American citizenship.

The anomaly of the capital of what is claimed to be the model republic of the world being governed by a trio of men totally irresponsible, who are appointed by the President without consulting the interests or wishes of the people, who impose taxes at discretion and disburse the proceeds at their will and pleasure, who are above and beyond the influence of the great mass of our population, may well be looked

upon by the nations, as it is, as a contradiction, and with astonishment and wonder. A despotism more complete, an oligarchy more antagonistic to republican institutions, never existed under an absolute monarchy. As John Randolph truly said, "this species of government is an experiment showing how far freemen can be reconciled to live without rights, an experiment dangerous to the liberty of these States."

While the amendment proposed would correct the evil in a measure, for myself, I would have preferred that it had gone further and provided for the District a form of government by the people not materially different from that of some of the States, subject, of course, to the revision and approval of Congress. I would also have provided that the Senators, members of Congress, and electors should be elected by the votes of the people of the District, and not leave it to Congress to decide how they are to be chosen, for in that case all might be appointed by the President as the Commissioners now are.

The question often occurs to me, Why is this District, the capital of the Republic, selected as the locality for totally disfranchising the people and depriving them of every political right? Why are we taxed without representation when other communities decide for themselves how much and for what purposes they shall be taxed? Are not the people of Washington as intelligent, patriotic, and capable of governing themselves as the people of Boston, New York, Philadelphia, Baltimore, Chicago, or St. Louis? Why, then, single out this city, the capital of this great Republic, and make an exception of it? If any satisfactory reason can be given I would like to hear it. I can but think that a man who is contented to sit down and quietly endure the poor privilege of living under the form of government imposed on the people here is more fit to be a slave than a freeman.

I trust that the amendment will be adopted. It is in good hands. Senator Blair is the man to push through successfully any measure of reform, especially such as are calculated to advance the interests, the liberties, and well-being of the people. For the active part you have taken in this effort to relieve the District of a vital wrong, you deserve and will receive the gratitude of the thinking portion of the community.

Most respectfully,

SAYLES J. BOWEN.

APPLETON P. CLARK, Esq.

WASHINGTON, D. C., *December* 28, 1889.

DEAR SIR: I have considered the constitutional amendment offered by Senator Blair, proposing to give the District of Columbia representation in Congress; I heartily concur and approve the measure.

It does seem strange that the people of the United States would tolerate such a system of government as exists in the District of Columbia. aristocratic in form and aristocratic in practice. Nearly a quarter of million of people governed absolutely by men whom they have no choice whatever in selecting.

There are a chosen few in this District who prefer the present system of government to any other that could be established, but the mass of the people, if the question was submitted to them, would gladly show their disapproval of the existing form of government.

Very truly, yours, etc.,

JAMES H. SMITH.

APPLETON P. CLARK, Esq.

HUME & COMPANY, 807 PENNSYLVANIA AVENUE,
Washington, D. C., November 25, 1889.

DEAR SIR: In reply to your favor of 7th I beg to say that you fully express my sentiments in regard to conferring upon the people of this District the right of representation in Congress which makes the laws under which we are governed. I have from the start of our present form of government opposed it, it being un-American and despotic, giving power to three Commissioners, in my humble opinion unconstitutional and wrong. I wish you every success and will be pleased to help bring about the much to be desired result.

Very respectfully, yours,

FRANK HUME.

A. P. CLARK, Esq.

WASHINGTON, D. C., *December* 2, 1889.

DEAR SIR: Replying to your request that I express my views regarding the proposed amendment to the Constitution of the United States, I will state that I heartily concur in the same and desire to call particular attention to the bitter hardship which disfranchisement inflicts upon the District volunteers of 1861, who were more in proportion to population than any other State or Territory. These men, at a very critical moment, protected the capital and were loyal to their country, and that country should never have deprived them of the common rights of a citizen.

It is a galling fact that we are taxed without being represented, and I hope we may invest our sons with the right of franchise which was vested in us by our fathers.

The right of suffrage is a very familiar topic to us all, and I could hardly enlarge upon what has already been said; but one thing is palpable, the people of the District managed their affairs far better when they elected their officers than they have been managed since.

There is no doubt but that this amendment, if advocated by a few of the intelligent minds of Congress, will receive the required two-thirds vote.

Very truly, yours,

R. J. BEALL.

APPLETON P. CLARK, Esq.

WASHINGTON, D. C., *November* 29, 1889.

DEAR SIR: I am in receipt of your communication containing copy of proposed amendment to the Constitution of the United States, intended to confer on us, the inhabitants of the District of Columbia, the right enjoyed in common by all other citizens of this great nation, that of representation. It is a curious anomaly in the history of the greatest nation on earth, as we are pleased to style ourselves, professing to be the freest and most enlightened, that in a district 10 miles square, a quarter of a million inhabitants have not any of the rights of citizenship. Some are pleased to say that the District is the better off on that account as it has the whole nation looking after its welfare. *But it* was not for this purpose that the present state of affairs was *brought* into existence. An examination of the causes leading up to

the creation of the District of Columbia and the disfranchisement of those residents therein will, it is believed, show the utter absurdity of continuing the present status, or rather, lack of status.

The first Congress of the Revolution met on the 5th of September, 1774, at Philadelphia. On the 20th of December they met in Baltimore, on account of the approach of the British army. For a like reason they met at Lancaster on the 27th day of September, 1777, and adjourned the same day to Yorktown, where they assembled on the 30th, and continued until the 27th of June, 1778, when they adjourned to meet in Philadelphia on the 2d of July upon receipt of information from General Washington that the enemy had evacuated that city. On the 4th of June, 1783, resolutions were passed in the legislatures of New York and Maryland, respectively, looking to the cession of Kingston and Annapolis, towns in the respective States, as the permanent abode of this peregrinating and browbeaten Government.

On the 21st of June, 1773, it was resolved by Congress: "That the President and the Supreme Executive Council of Pennsylvania be informed that the authority of the United States having been this day grossly insulted by the disorderly and menacing appearance of a body of armed soldiers about the place within which Congress were assembled, and the peace of this city being endangered by the mutinous disposition of the said troops now in the barracks, it is, in the opinion of Congress, necessary that effectual measures be immediately taken for supporting the public authority." Other resolutions were, that should adequate and prompt measures be not taken by the State of Pennsylvania, Congress should be convened at Trenton or Princeton by the President; and that the Secretary of War be directed to have the necessary steps instituted for suppressing any disturbance that might ensue. Failing to obtain satisfactory action from the Supreme Council of Pennsylvania, Congress met at Princeton on the 30th of June, 1783, upon the summons of the President. From July, 1783, to the 24th of April, 1800, a period of seventeen years, Congress had been continually agitating the question of securing a permanent seat of government. The basis of all the numerous resolutions offered was that a suitable location, the right of soil, and an exclusive legislation, or such legislation as Congress should desire to exercise, be obtained.

On the 13th of May, 1800, President Adams, in his speech at the opening of Congress, said:

> I congratulate the people of the United States on assembling of Congress at the permanent seat of their Government. * * * It is with you, gentlemen, to consider whether the local powers over the District of Columbia, vested by the Constitution in the Congress of the United States, shall be immediately exercised. If, in your opinion, the important trust ought now to be executed, you can not fail, while performing it, to take into view the future probable situation of the Territory, for the happiness of which you are about to provide. *You will consider it as the capital of a great nation, advancing with unexampled rapidity, in arts, in commerce, in wealth, and in population.*
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> * * * * * * *

On the 31st day of December, 1800, on a motion to recommit the bill concerning the District of Columbia, Mr. Harper, in reply to an observation that the people of the District had continued for one hundred years to live happily under their respective State governments, and therefore it was not necessary for Congress to legislate at all on the subject, said:

> But the provision of the Constitution on this subject has not been made with this view. *It was made to bestow dignity and independence on the* Government of the Union. It was to protect from such outrages as had occurred when it was differently situated,

when it was without competent legislative, executive, and judicial power, to insure itself respect. While the Government was under the guardianship of State laws, those laws might be inadequate to its protection; or there might exist a spirit hostile to the General Government, or at any rate indisposed to give it proper protection.

* * * * * * *

It will be observed from the foregoing that a territory was set aside over which Congress should have exclusive legislation, for the exceptional and unusual reason that Congress, in 1783, in Philadelphia, was threatened with violence by some insurgents, and it was to avoid a repetition of this, and because of the fact that when Congress, after being insulted by these mutineers, called upon the State of Pennsylvania to protect and vindicate the dignity of Congress by administering a rebuke to these insurgents, it was answered by the council of that State, that while it had great respect for the committee sent by Congress to confer with it, it did not feel called upon to accede to the request. Hence it was that for seventeen years resolutions were being continually introduced into Congress looking to the establishment of a permanent seat of Government, where the powers conferred by the Constitution could be exercised. It is the contention of the writer that the ideas of the framers of the Constitution have not been carried out; that it never was contemplated by them that the suffrage of the inhabitants of whatever district might be selected, should either be voluntarily surrendered or summarily abrogated. But it is not my intention to treat of that branch of the subject; the question is, should representation in the two Houses of Congress be conferred on the District?

The condition which existed, and which was the cause of a separate territory being set aside, over which Congress was to have exclusive legislation, exists no longer. Then the Government was but a feeble affair; it had just emerged from a seven-year conflict with a powerful enemy; its treasure was gone; it had had no opportunity to build up any commerce; it had no public police; there was no supreme authority in Congress to enforce its legislation; the militia of the States could only be called out and used with the consent of the respective States; the population was small; the country had only recently become free, and between the oppression of Great Britain on its commerce and the cost of the war, it was nearly bankrupt. Not being able to pay off the troops, communication between the States was slow and difficult.

But all this has been changed, electricity and steam have made the elbows of the nation touch; the press of to-day enables us, while we discuss our breakfasts, to note the happenings and doings of the civilized globe for the last twenty-four hours; the telephone brings to the ear the mouth separated by hundreds of miles of space; we have grown to be a mighty nation of 65,000,000; our wealth is fabulous; we have the finest body of national police, in the shape of well trained militia under the control of the Chief Executive, possessed by any nation. We were one of the weakest and poorest nations then; we have grown to be one of the most powerful and wealthy now. The Government never was, and never will be, in greater danger than during the war of the rebellion, and it will not be contended for a moment that the absence of franchise for the inhabitants of the District protected it in the slightest degree, or that had a franchise been possessed by those inhabitants the danger would have been increased in the slightest degree. Hence the conditions which brought about the cession of the District of Columbia for the seat of Government, over which Congress was to have exclusive legislation, no longer existing, there is no good reason why the District should not have representation.

It is not deemed necessary by any of the European nations to deprive the people living at the various seats of Government of the right of representation.

The Provisional Government of Brazil has issued a decree establishing suffrage throughout the Republic.

Our country presents the singular spectacle of the freest and the most enlightened nation in the world, being the only one where the right to be represented is absolutely prohibited to a considerable body of people; and that, too, in the face of the fact that these same people are the descendants of those who poured out treasure and their heart's blood to deliver an oppressed people from the yoke of a tyrant, and the compeers of those who did likewise to keep intact the Republic that has been won.

We have the right to breathe American air on American soil and pay our taxes into an American exchequer, but there our rights of citizenship end; we must stand quietly by and permit the affairs of government to be administered without the right of protest or acquiescence.

It is manifest from this resume of history that the chief reason that led to the location of the capital of the nation, and the provision of the Constitution in relation thereto have passed away. The advance of the District of Columbia contemplated by President Adams has been realized.

This requires some closer connection of the inhabitants of the District with Congress than can be secured by committees, sometimes self-constituted, often with selfish and sinister objects.

The alternative means are those contemplated in the proposed amendment. It would secure representation in both Houses of Congress chosen by the people of the District, acquainted with their real wants, familiar with their interests, and upon whom Congress could depend for correct and reliable information.

The Representatives would also be in close and official relations with other Representatives, and thus secure for the people a degree of attention and consideration which could not otherwise be obtained. It would also relieve the members of Congress from annoyances and perplexities to which they are now often subject. Hence the proposed amendment, while sound and wise in principle, would be eminently expedient and practical. On all these grounds it meets with my approval.

Yours, very truly,

EDWIN SUTHERLAND.

APPLETON P. CLARK, Esq.

WASHINGTON, D. C., *November* 26, 1889.

MY DEAR SIR: In reply to your note inquiring as to my views and wishes in reference to the people of the District of Columbia being represented directly in Congress and in the Electoral College, I would say that I am most decidedly in favor of it. I do not see how any intelligent American citizen can have any doubt or question as to the justice and propriety of it.

I have not time at this moment to give my reasons *in extenso*, but beg to inclose a pamphlet entitled "Home Rule for Americans," and also a more brief synopsis entitled "The National Capital—Facts not Generally Known," *both* prepared and published by me, and which express

my views on this subject and also that of a local government, which latter I consider of more immediate and vital importance than that of a representation in Congress.

We should either have a voice in the Government in proportion to our numbers, or we should be relieved from all taxes and duties as citizens of the nation; one or the other. For myself, I do not believe in the propriety of establishing in our Republic a class of political eunuchs. If such a class is to exist in the nation it should be confined to the office-holders, from the President down to messenger, who should constitute a special class, set aside for that special purpose, and never be permitted to have or express an opinion on any political or national subject.

It is as clear as the noonday sun that the founders of the Republic never contemplated the existence of such a class, but on the contrary said that we were to have a Representative in Congress as soon as we the requisite number of inhabitants.

Respectfully, yours,

W. C. DODGE.

APPLETON P. CLARK, Esq.

1200 K STREET NORTHWEST,
December 16, 1889.

MY DEAR SIR: I cordially approve of your proposed bill. Your statement of facts and reasons are cogent and overwhelming. Of all stultifying inconsistencies and anomalies in government this is the most absurd.

Sincerely, yours,

W. A. BARTLETT.

APPLETON P. CLARK, Esq.

WASHINGTON, D. C., *June* 10, 1890.

DEAR SIR: I certainly am in favor of treating the people of the District, so far as practicable, precisely the same as the people of the States are treated; and I think it is practicable to allow them representation in Congress and in the College of Electors. This much can be done for them. The American sense of fair play will sooner or later see that it is done; at least I think so. Of course I do not pretend to judge of the sufficiency in form of the proposed amendment, but I think it is right in principle. Its great value consists in the fact that it provides a means whereby the whole body of District people can make known their needs and wishes to Congress through agents of their own choice. This, in my judgment, is matter of substance and not merely of form. Congress must rely upon somebody for information as to District matters upon which to base legislation. Under the present system that somebody is the local executive. Those officials have the entire control, or nearly so. If they do not control, they suggest and shape nearly all important legislation, and it is quite safe to say, or assume, that they suggest and shape this legislation so as to please, or at least not to offend, those to whom they owe their positions. This being so they ought to owe their offices to the whole community and not to a favored few who happen to have and to hold the ear of the appointing power.

Our people have learned by a rather harsh experience that officers appointed independently of them are inclined to be careless of their wishes and interests, and sometimes even to be hostile to them. This crops out very often. It has been most conspicuous in the matter of street improvements and of the public schools. If any fact was established by abundant evidence, it is the fact that the great body of District people desire to have the management of their public schools intrusted to a school board, independent of the political branch of the District government, except as to fiscal matters. This popular desire was laid before Congress by petitions and memorials, by hearings in committee and by the local press. The late chief-justice of the District supreme court, at the head of a large committee, representing the intelligence of the community, urged upon Congress the passage of a school bill in accordance with the popular wish. The representative committee of one hundred considered the subject at length and prepared an elaborate report in favor of the American system of managing public schools; but all to no purpose. The local officials were hostile and the chief-justice and his committee and the committee of one hundred and the press and the whole people had to withdraw.

A similar experience attended the effort to secure an equitable distribution of money for street improvements. The "triumvirs" objected, and therefore the effort failed. These facts show, or tend to show, I think, that the people who reside in the District have practically no redress for their grievances under the present aristocratic scheme of government. Unless the American people, through Congress, come to their relief in some way, either by abolishing the present oligarchy and giving to them in lieu thereof a local government, republican in form, or by amending the National Constitution so as to allow them to be represented in Congress, they must continue to exist as a subjugated people, helpless to care for themselves, a burden upon Congress, and a reproach to republican institutions. To allow this state of things to continue is a crime against republican government; and more, it is a stigma upon the civilization of the age. No more intelligent community as a whole can be found in the confines of the Republic, and it is simply absurd to treat them as incompetent for self-government.

I am aware that the beneficiaries of the present order of things and the privileged classes, and the "dilettanti doctrinaires" of the day, all of whom talk glibly about "the better classes," whoever these may be, have been for some time carrying on a campaign in favor of aristocratic governments for cities, and they all point with an air of triumph to our little oligarchy as their model. But they apparently overlook some facts, which the masses, who have to help pay the taxes, do not, to wit, the wasteful extravagance of the system, and the millions; yes, I say *millions*, of dollars squandered on rotten pavements and discarded tunnels. No such waste can be shown in any other city of equal size during the same period of time in the whole Republic. I challenge proof to the contrary. Whatever value there is, if any, in our little oligarchic experiment it is as a warning to other communities not to adopt the same theory of government. I say no city need adopt it as a model. They may have the original and carry it off, as Chicago did "Libby prison." It has been long enough a reproach to the capital of the fairest republic on the globe, and a menace to its helpless tax-payers here, and they certainly are willing and anxious to let it go.

Yours, truly,

SIDNEY S. BAKER.

HON. APPLETON P. CLARK.

DECEMBER 11, 1889.

DEAR SIR: In reply to yours of November 7, with suffrage bill inclosed, I can assure you that every one with true sense of justice in their heart will thank you for your endeavors in that direction.

It would seem almost unnecessary to discuss the suffrage right of citizens of the United States of America in any portion of this freedom-loving country. But so it is, for we have right here a large community that are debarred of their right of suffrage, and for what? The reason is often given "that the hoodlums of this District may not have the opportunity of interfering with the General Government." That is the plea that covers deeper motives—race prejudice, mercenary motives, and desires of power to govern without any responsibility to the parties governed, "unquestionably elements of tyranny." These are the true causes that keep us in subjection.

Our liberty, our prosperity, stand out from our shores the beacon light to all the world. Therefore let us, dear sir, consider well that the removing of this blot on our good name, this last link of a tyrant's chain, will redound to the benefit of all mankind. Let us ask for what we want and deem to be our rights, recollecting that the people govern, and listen not with the ears of a king. Let us endeavor to benefit our whole country, feeling that the true intent of the people is "justice to all."

Our situation is very simple to understand. The attention of Congress is called to a bill presented by Senator Blair, of New Hampshire. If clipped of one or two bad features it will give us in this District an equitable and just representation in both branches of Congress, a place in the electoral college, thereby a voice in electing the President and Vice-President of the United States. We should have two Senators, and if the provision included in the fifteenth to the twentieth articles of the Blair bill were left out, which curtails the power of our Representatives, it would leave it practically your bill.

Now, what we should urge on the Senator is that this bill should be thoroughly discussed, and that each and every one of the members should be put on record as to the merits or demerits of this bill. It will be bold men that will oppose our right of suffrage on equal terms with themselves at their several homes.

If it is opposed by Congress—I can not think it will be—then we will appeal to the people. Then the Senators and Members will find that they, the people at large, do not understand the condition of things here brought about by the existing laws, and the question will come up, Why have our members allowed such a state of things to exist? I can not but believe that the sense of justice which Congress is imbued with will not require us to go further than calling their attention to this bill.

It is not a question who may not wish suffrage in this District. It is one of greater moment. It is this: Can this Government longer endure the stigma of governing a community within their jurisdiction with the same laws that they fought seven years to overthrow, and meeting with success founded this great fabric of Government which is pre-eminently the best in the world. That, my dear sir, is the question. Let Congress answer aright, or the people will. I have no fear. I would speak of the manner of choosing those that are to represent us in Congress. It would be done by popular vote. While we admit that Congress has the legislative power and should have it in the government of the District, it can be readily seen that they can not act for us in the capacity of a State legislative body in electing our Senators; necessarily we must have a popular vote.

In conclusion, let me say we want it so ordained by Congress that we will have the full benefit of the intelligence vested in the employés of the Government by making them interested in the general welfare of the District; let them enjoy their right of suffrage here; their lack of interest in the District now is our loss. We want no one to be obliged to desert his post of duty, to leave here to execute their right of suffrage elsewhere under false plea that their residence is not here.

This I would say to Congress: Make this District with proper restrictions like your own homes, where a citizen has an untrammeled right of suffrage, and you have us under everlasting obligations.

Bitter indeed are these few lines, but true:

That where wrong settles down to dwell,
Ere justice tips her scales,
The right to maintain,
Ages seems the spell.

King George the Third of England said when the Colonies rebelled, "The people can not govern themselves." Let us continue to prove his words false by always making this Government for the people and of the people..

Very truly, yours,

HENRY M. DEXTER.

APPLETON P. CLARK,
Washington, D. C.

WASHINGTON, D. C., *December* 23, 1889.

SIR: I have this day received and thank you for the copy of the joint resolution which proposes an amendment to the Constitution of the United States to confer representation to the District of Columbia in the two Houses of Congress and in the electoral college.

The people of the District of Columbia are subjected to taxation without representation; and that act is contrary to a fundamental principle of all free government, and it is also, by implication, forbidden by section 4, of Article IV, of the Constitution of the United States, which provides that the United States shall guaranty to every State in this Union a republican form of government; and it is further, by implication, forbidden in section 1, Article XV, of the Constitution, which provides that the right of the citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

I will not weary you with a long note on the matter, but will simply say this: I am delighted that a proposition so fair has at last reached Congress.

I have only heard one reason advanced why a republican form of government should not be given to the helpless people of this District; and that is, that it would put the ballot into the hands of the black men. No other reason can be advanced; for if all here were white it would be given at once, or rather would never have been taken away.

Since the presence here of the black man is the cause why the boon of suffrage is withheld, I point to the violated Constitution quoted above and say: The right of the citizens of the United States to vote is denied on account of race, color, or previous condition of servitude.

It seems to me, from a knowledge of these worthy people, acquired after an acquaintance with them of nearly twenty years in length, that no people anywhere are better fitted than they for the full exercise of *universal suffrage* pure and simple.

Here is the spot for an ideal government, based upon the right of all to vote, male and female, black and white, Catholic and Protestant, Jew and Gentile, rich and poor, the landed and the landless.

Let the residence be for one year, and the ballot the Australian system.

Very respectfully,

THEODORE L. DE LAND.

Hon. APPLETON P. CLARK,
Washington, D. C.

WASHINGTON, D. C., *November* 20, 1889.

I heartily approve the proposed sixteenth amendment to the Constitution, granting to the citizens of the District of Columbia the right of representation in the Government which makes laws for their protection and welfare.

Why we alone, of all the good people of these United States, should be deprived of the right of trial in the United States courts in matters between us and the citizens of the several States, can not be easily explained.

I throw out this suggestion, hoping that while this matter of change is being agitated, an effort will be made to place us in possession of all the rights of American citizenship in the Union, for which we and our fathers have striven equally with the citizens of the most favored States.

With kind wishes for the success of your patriotic efforts,

I am, yours truly,

SAMUEL H. WALKER.

APPLETON P. CLARK, Esq.

WASHINGTON, D. C., *November* 29, 1889.

DEAR SIR: Your favor of the 7th instant, inclosing copy of a proposed amendment to the Constitution of the United States, intended to confer some of the rights of American citizenship, was duly received, and in reply permit me to say that I do not know how I can better express my present views on the subject mentioned than to quote from speeches made by me January 17, 1870, as a member of the 68th city council, and June 22, 1872, in the legislative council of the District:

That the good of the whole nation requires that the Federal capital should be under the exclusive jurisdiction of that Government, is a proposition the truth of which will hardly be doubted; but it is a proposition not less true that both justice and expediency require that the management of affairs merely municipal and local should be left in the hands of the people most directly interested, under such restrictions as the supreme legislative authority may deem necessary. It is too late in the history of legislation to question the truth of the general proposition that there should be no taxation without representation. In our system these rules have been departed from only in the District of Columbia and in the Territories, where a small population is so scattered over a large extent of territory as to be exercised only by the strong power of the central Government, and paid for out of the common Treasury of the whole country. Both in the case of the District and Territories, Congress formerly exercised but little more than a negative authority over local affairs, of the District, but now, by three Commissioners appointed by the President, thereby depriving the people of any voice in the management of its own business affairs, giving to such Commissioners sole power of taxation and expenditure which is subversive of political liberty and entirely antagonistic to all the theories of the republican and democratic form of government.

That all the rights, privileges, and immunities of citizenship should be denied to that portion of the people who immediately surround the capital of this great Republic, is a monstrous anomaly, and strikes the whole world with astonishment. It is wrong in principle and anti-republican in practice.

It is not the part of wise men to permit this condition of things longer to exist. "In the multitude there is safety;" more so in the election of officers by the people than in the purest appointing power, especially if that power is responsible to some other officer with whose tenure of office that people have nothing to do, and in whose election they have no voice.

It was an extraordinary spectacle when Congress deliberately voted to give away, as far as it could, all of the rights of the people of the District of Columbia to any participation in its municipal affairs, or in the selection of any of its officers and it is high time that right should be recovered and deposited where it justly belongs.

Your proposed amendment to the Constitution I am in favor of, and would go further and restore the old or similar form of municipal corporation, the officers of which shall be elected by the people and for the people.

Very respectfully,

A. K. BROWNE.

A. P. CLARK, Esq.

WASHINGTON, D. C., *December* 16, 1889.

DEAR SIR: Your favor of November 9, ultimo, is at hand; also with it a copy of a proposed amendment to the Constitution of the United States.

The troubles that are upon us now and the burdens we are compelled to bear are imposed by Congress, and the amendment proposed would only be an additional indorsement of its power and a more complete surrender to its authority. I do not think that any tinkering of the Constitution that does not give us local self-government would help us.

The state of my health will not justify me in giving very much attention to such an important subject as your circular deals with.

Hoping you will be able to work out the problem in the interest of the whole people,

I am yours, truly,

J. H. CROSSMAN.

APPLETON P. CLARK, Esq.

1439 MASSACHUSETTS AVENUE,
November 19, 1889.

DEAR SIR: I have received your favor of the 7th instant, inclosing "a copy of a proposed amendment to the Constitution of the United States, intended to confer upon the people of the District of Columbia the common right of American citizenship."

I am heartily in favor of the proposed amendment.

As a resident of the capital and a citizen of the United States, I protest against the present absolutely despotic mode of governing the District of Columbia, and I shall be glad to aid you in your worthy efforts.

Very truly, yours,

J. ORMOND WILSON.

WASHINGTON, D. C., *November* 21, 1889.

DEAR SIR: I can see no good reason why your proposed amendment, or some other, conferring representation in Congress and in the Electoral College upon the people of the District should not receive the assent of Congress and the States. No doubt the friends of aristocratic forms of government will object, and it will be interesting to note who they are. But the great body of common people, who believe in republican institutions, will, I think, approve the amendment. Since it was first broached in the Star it has been steadily gaining friends, and I am one of them.

Yours, truly,

CHAS. E. HOVEY.

APPLETON P. CLARK, Esq.

FREEDMEN'S HOSPITAL,
Washington, D. C., December 29, 1890.

MY DEAR SIR: The paper you sent me in reference to a constitutional amendment such as would secure to the people of this District representation in the House and in the Senate was duly received.

I am in accord with the movement. I think it to be a reflection upon democratic government when 250,000 citizens are disfranchised. We need a representative in the House and in the Senate. The District's interests can not be properly protected without such representation. "What is everybody's business is nobody's business." This is why the present members of Congress give such little attention to District affairs. They have not the time nor the inclination.

I am with you.

Yours, truly,

C. B. PURVIS.

Mr. APPLETON P. CLARK.

WASHINGTON, D. C., *November* 26, 1889.

DEAR SIR: Your circular letter to hand and its contents duly considered. It gives me great pleasure to indorse the substance of the argument therein; the subject is one we must all agree to. What surprises me most is how men of learning, and especially American statesmen, can hold to a selfish doctrine of excluding a quarter million of citizens who, for industry, morality, and intelligence will compare with any other people on the face of the globe. How could any person claiming to represent any portion of this country, either in the halls of Congress, on the bench, or in the lowest elective position known to the American people argue against the doctrine of elective franchise? What is franchise? "Exemption from constraint or oppression; freedom; liberty." (Spencer.)

"Election by universal suffrage, as modified by the Constitution, is the one crowning franchise of the American people." (William H. Seward.)

"To make free; to enfranchise." (Webster.)

But, where is the use of quoting authorities on the subject? It is recognized in all republican countries by all lovers of freedom, and

why are we to be shut out of the privileges enjoyed by the American citizens in other parts of our country?

I may at some future time give my views further on this subject.

I am, very respectfully,

JAMES SMALL,
911 *I street, northwest, Washington, D. C.*

A. P. CLARK, Esq.

[From pastor Fifth Congregational Church.]

WASHINGTON, D. C., *December* 12, 1889.

DEAR SIR: Yours of 7th ultimo duly received. Having thought the matter over, I am heartily in sympathy with your effort to secure representation for the District in Congress.

Truly yours,

B. N. SEYMOUR.

WASHINGTON, D. C., *December* 10, 1889.

DEAR SIR: Your letter, containing a reference to a "proposed amendment to the Constitution of the United States," is received. I can express my most hearty approval of the proposed amendment to the Constitution as far as it goes.

It is a mystery to me that any man who claims to be an intelligent, honest-hearted friend of a republican form of government can willingly submit to be deprived of every right of suffrage in a community where there are 250,000 inhabitants, and 50,000 persons who would have the right to choose their own rulers in any other city but the city of Washington. Is it patriotism, is it statesmanship, in our national law-givers to force a people who have 50,000 children to be educated, to submit to laws which will not allow these youths to know anything, experimentally, about the peculiarities and the institutions of a republican government?

Yes, by all means, let us have at least a representation in Congress and in the Electoral College, and as soon as possible let us have all the rights peculiar to other parts of our country.

Yours, respectfully,

Z. RICHARDS,
1301 *Corcoran St.*

A. P. CLARK, Esq.

WASHINGTON, *November* 25, 1889.

Hon. A. P. CLARK:

DEAR SIR: In answer to your inquiry for my views on the subject of suffrage in this District, I answer unhesitatingly, I am in favor of suffrage.

First. The boast of all true Americans at home or abroad is that they live in a free Republic, where the whole people rule; where the people elect the law-makers, from the Congressmen who make the laws for the Government down to the township officials and city and town mayors and aldermen, extending over and embracing every acre of American

soil except the District of Columbia; and the right of suffrage was only taken from this District a few years ago, and then it was done insidiously. The first move was to give the city a governor and secretary and a board of public works, a Delegate in Congress and a legislature, all appointed by the President except the Delegate in Congress and the members of the lower house of the legislature, still leaving a vestige of suffrage. The next move made by the anti-suffrage party was to abolish the board of public works, governor, Delegate to Congress, and legislature, taking every vestige of suffrage from the citizens.

Second. This is the capital of this great, free, people's Government, the place of all others that should have a representative people's government, in order that foreigners who visit this country may be encouraged to modify their home governments in place of finding the capital of this boasted free Government ruled more despotically than any European capital.

Third. The capital should be a great educator of true American principles, not only in the administration of governmental affairs, but in the city government. There are already more than two hundred thousand people in the District, and a few years will double the population. There are at this time not less than 60,000 children in the District attending schools, public or private, and scarcely one of them ever attended an election; and under this miserable anti-democratic system of city rule, for it can not be dignified as a government, these children are being taught that elections are vulgar, and that politicians are, of necessity, dishonest demagogues.

Can it be possible that any statesman wants this system of anti-American education to remain? The boys now in the schools of the country will be the rulers of the Government a few years hence, and Washington is destined to be a great seat of wealth and educational institutions. The Catholics have already established their great American University in this District, the Baptists have taken steps for the enlargement of their present college to make it the great institution of learning of that great and influential church. The other leading religious denominations will, in self-defense, have equal educational institutions in the District. It can not be possible that any lover of republican government can desire to have these institutions educate the thousands of students from all parts of the country in the belief that the people are not fit to elect their own law makers and administers of the laws, but must have military officers placed over them on the theory that politicians are dishonest. If the people are not fit to vote in this District they are not fit to vote in any city or State in this Union.

"But," says the objector, "suffrage in the District carries with it the right of the negro to vote." That is true, as it ought to be. In intellect, the negro of the District of Columbia averages favorably with the laboring classes of New York or any of the other cities, and largely above the colored voter in any of the Southern States; and if not fit to vote in this District, the people of the South are right in not letting them vote, and hereafter no member of Congress should, out of self-consistency, object to Southern bulldozing or counting out of the colored voter and vote in the Southern States.

"But," say that assumed superior class, "the respectable class will not vote, and the rabble, roughs, and demagogues will vote and control the elections, when this city should be a city of wealth and refinement." This argument is simply the argument of snobs who do not believe in

the right of universal suffrage, and of those who would disfranchise the colored man.

I do not think it worth while to discuss the present inefficient government of the District, which is liable under the present system of appointing the Commissioners to be worse, if possible, than the system of government itself, nor the weak argument made by some that the framers of the Constitution intended to, and did, take the right of suffrage from the citizens of this District. The citizens of the District had always had, and exercised the right of suffrage until taken from them by act of Congress since the right of suffrage was given the colored man. The time is coming when this city will have a population of half a million of people, when they will demand the rights of statehood, and the States will unite in amending the Constitution to give them a State government. This will in nowise interfere with the power of the Government to protect all of her interests in the District. It will simply relieve Congress from acting the part of aldermen for the city. The State and National Governments will adjust the proper sum to be paid by the National Government for their share of taxes to be paid.

HAWKINS TAYLOR.

WASHINGTON, D. C., *November* 21, 1889.

DEAR SIR: From my actual experience in politics in Indiana, for many years, and my residing here many years, I would rather trust my interest with the people, than to any one man power. I have noticed that officers who were elected by the people, as a general rule, tried to do the business entrusted to them, prompt, correct, and were obliging. I think that suffrage is far more preferable, than to be tied hand and foot as the citizens here are, who are denied the power of making their own local laws or city ordinances such as are accorded to all other incorporated cities and towns. I think that no other city, with any kind of a commercial trade, would surrender the commercial business, and be under the exclusive control of the Government, for the mere privilege of getting the National Capital, with its buildings. It is the business men of this country, that make it, and not the buildings or laws—the great law of trade rules us all.

Yours respectfully,

V. B. EDWARDS.

Hon. APPLETON P. CLARK.

WASHINGTON, D. C., *November* 27, 1889.

DEAR SIR: In reply to your circular of the 7th instant, would say that I am heartily in accord with the movement suggested, and that there is not the slighest doubt but that you are correct in the position you assume, and you are engaged in a patriotic work.

Trusting that you may meet with success, I remain,

Very respectfully,

L. GARDNER.

A. P. CLARK, Esq.,
119 *Sixth Street, Northeast, City.*

WASHINGTON, *December* 16, 1889.

DEAR SIR: The suggestions made in your circular letter, favoring a change in the present form of government for the District of Columbia, are timely and proper.

Is it not a little singular, that it is now necessary for you to lead a movement in favor of a "government by the people for the people?" Is it possible that our Revolutionary fathers were wrong, and that the mother country was right? Is it wise in order to make "history harmonious" that we change the war cry of our ancestors—"taxation without representation is tyranny," and say "taxation without representation was tyranny?" Is our present monarchial form the best and most economical government? If so, can we recommend its adoption by all the different communities in our country? Are the young men that grow up in our community as competent to discharge the political duties of citizenship as those raised under the actual experience of political contests?

There are so many inconsistencies that are self-evident in our present form of government that I forbear to refer to them in this brief letter, but I challenge the world to show a more inconsistent political proposition than is presented here. A free republican government, maintaining the position that all its citizens are capable of self-government except the residents of its capital city; here in the political center, where the great truths of government are wrought out and exemplified, and where the rulers of the nation reside, that ignorance so abounds, and dishonesty stalks abroad at noon-day, that our people can not be trusted with the constitutional privileges of American citizenship.

Very respectfully,

H. A. HALL.

Mr. A. P. CLARK,
Washington, D. C.

Hon. S. C. Pomeroy says:

I am for the amendment, and for my addition also. I believe the retrocession to Virginia was illegal and wrong.

His "addition" is the following:

SEC. 3. The original 10 miles square shall be restored to the District of Columbia.

WASHINGTON, D. C., *December*, 1889.

DEAR SIR: Sickness and overwork have prevented me from answering your kind letter of the 7th ultimo, which I now briefly answer.

While I believe that the present so-called government of this District is unconstitutional and have no objection to an amendment that will make it indisputable, I must dissent from your remark that "the proposed amendment is wholly outside the question of local government" if you mean anything more than that the detail is to be left on the same footing as if it were a State, viz, the preparation of a constitution by a constitutional convention, its submission to Congress and the people, as in the case of a State.

The pretense that there is any reason why American citizens are unable to govern themselves in Washington as well as in any other portion of the United States is absurd, and in reply to the absurd talk about

Government interests I say let the Government run the entire machine to suit itself and pay the bills. The practical difficulties existing in a national capital exist in every European capital, but have been overcome without depriving their citizens of the right to manage their municipal affairs.

It has been left for the "great Republic" to enfranchise the negro and disenfranchise the white man, so as to find a patronage ground where soft places can be found by our sovereign lords and masters, the Congress of the United States.

Very respectfully,

A. B. MULLETT.

APPLETON P. CLARK, Esq.

BENNING, D. C., *January* 7, 1890.

SIR: I think the District of Columbia is entitled to representation in the national Congress. It would put us on terms of equality with the States and give us means of defending and asserting our rights.

I am not in favor of the Electoral College, but prefer a direct vote of the people for President.

H. B. BESTOR.

Hon. APPLETON P. CLARK,
Washington, D. C.

FISH & MILLER, 1213 F STREET NORTHWEST,
Washington, D. C., November 25, 1889.

DEAR SIR: I have the honor to acknowledge receipt of your letter of 7th instant with a copy of proposed amendment to the Constitution giving to the citizens of the District of Columbia representation in the United States Congress and Electoral College.

It is a consummation most devoutly to be prayed for and worked for. There is no reasonable objection that can be produced.

The wonder is the apathy of our citizens on the subject, presumably that it is not brought forward enough. Now that we are alive on the subject of the exposition in 1892, it would seem wise to connect the two together. I do not believe the people of the United States realize the astonishing fact that we are taxed without representation.

Respectfully,

ROS. A. FISH.

Hon. A. P. CLARK,
119 *Sixth Street Northeast, City.*

WASHINGTON, *November* 28, 1889.

DEAR SIR: I am in receipt of a copy of a proposed amendment to the Constitution of the United States, intended to confer upon the people of the District of Columbia in some degree the rights of suffrage. I am indebted to your courtesy for this consideration and for a request that I state my views thereupon.

In conformity with your request I feel constrained to say that I have never yet been able to discover either the wisdom or justice of inflicting

upon the people of the District of Columbia the penalty of a forfeiture of any of their rights of citizenship, for the reason that circumstances have conspired to make a residence at the national capital desirable.

This condition of affairs virtually makes the District of Columbia a penal colony, which, to say the least, seems to be an unjustifiable wrong to the citizens and a disgrace to the nation. In my humble judgment that clause in the Constitution which confers the power upon Congress to legislate for this District was never intended to be used as an agent for withholding from its people the most sacred of all the rights guaranteed to them by its spirit and letter. I feel assured that if the framers of that document had supposed that it could possibly be converted to such a purpose it would have been more carefully guarded at that point. It occurs to the average American mind, in the second century of our national existence, that the clause in the Constitution which has been used to destroy the badge of citizenship should have a new and more favorable interpretation or be entirely blotted out, so that it shall no longer be used as the instrument of a grievous wrong.

I am not able to discover why the people of the District of Columbia should be disfranchised any more than the residents of any other city in the Union. Most assuredly the people of no other American city would peaceably submit to such an invasion of their constitutional rights. Our people submit patiently to all the burdens of Government, and why deny them a voice in that Government. It occurs to me that we are as much entitled to municipal laws and government based upon popular suffrage as the citizens of New York, Boston, or Philadelphia; but if Congress adjudges that we can not be trusted with self-government then give us the benefit of the proposed amendment to the Constitution. This much is demanded in the name of common fairness and even-handed justice.

Yours, sincerely,

A. M. CLAPP.

APPLETON P. CLARK, Esq.

No. 501 STANTON PLACE,
Washington, D. C., November 22, 1889.

SIR: I thank you for your circular letter of the 7th instant, and I heartily approve and indorse your proposed amendment to the Constitution of the United States, to confer on the people of this District the duties, the privileges, and the prerogatives of American citizenship.

We want the elective franchise as handed down by our patriotic fathers of the Revolution, and we want to live under laws made and administered by freemen, elected by the people, for the benefit, the protection, and the elevation of the people. Let the people rule, and let our people with acclamation echo the grand and truthful sentiment that "taxation without representation is tyranny." Give us something worth living for and worth leaving to posterity—something worthy of the generous aspirations of a liberty-loving and virtuous people with which successfully to combat governmental favoritism and domineering oppression. I earnestly favor your project as a timely movement in the right direction.

Respectfully and cordially,

S. C. CLARKE.

APPLETON P. CLARK, Esq.,
119 *Sixth Street* Northeast, Washington, D. C.

WASHINGTON, *December* 12, 1889.

DEAR SIR: In reply to your letter requesting my views on the proposed amendment to the Federal Constitution providing for a representation of the people of this District in Congress and in the Electoral College, I would say that I heartily approve of the movement and think it can not be too speedily adopted.

The political condition of the people of this District to-day is a scandal upon republican institutions. There is not a monarchy on earth where the people are so completely shorn of all political rights or voice in the management of their own affairs as are the two hundred and fifty thousand disfranchised people who compose the population of the District of Columbia. That the perpetual disfranchisement of the people of this District was not intended by the men who established the seat of Government here is proven by the discussion that took place at the time and by the compact with the State of Maryland when that State ceded to the United States that part of her territory that constitutes the present District of Columbia. But even if they had favored such disfranchisement such action would only prove that they were mistaken. It should have no binding force upon us.

By act of December 19, 1791, the general assembly of the State of Maryland ceded the land comprising the present District of Columbia to the Congress and Government of the United States, under the express stipulation that the jurisdiction of the laws of Maryland over the persons and property of individuals residing within the limits of the cession should not cease until Congress should by law provide for the government of the District.

By act of February 27, 1801, Congress declared that the laws of the State of Maryland, as they then existed, should be, and continue, in force in the part of the District ceded by Maryland to the United States. This act has never been repealed, and is in force to this day, though trampled under foot.

This legislation by Maryland and Congress clearly established as a part of the laws of this District the constitution and bill of rights of the State of Maryland then in existence.

The provisions of those instruments, which are as binding now as then, are as follows:

I. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

II. That the people of the State ought to have the sole and exclusive right of regulating the internal government and policy thereof. * * *

V. That the right in the people to participate in the legislation is the best security of liberty and the foundation of all free government; for this purpose elections ought to be free and frequent, and every man having prop rty in, a common interest with, and an attachment to, the community, ought to have a right of suffrage. * * *

XLII. That this declaration of rights "ought not to be altered, changed, or abolished by the legislature of this State, but in such manner as this convention shall prescribe and direct.

It will be seen that these legislative enactments of Maryland and the Congress of the United States formed a compact between the two powers for the benefit of the inhabitants of this District, which Congress has no right to repeal, but which it did virtually repeal by act of June 20, 1874, by which the people of this District were deprived of every vestige of political rights or voice in the management of their own affairs, and reduced to a condition of political vassalage but little better than Russian serfdom.

The condition of the people of this District is an anomaly under republican institutions that may well excite apprehension for the future. Our population to-day is not far from 250,000. One day, not far distant, it will number 1,000,000, and probably one hundred years hence 3,000,000, or as many as composed the thirteen colonies when they rebelled against Great Britain.

Our present government is christened "*a permanent government*" by the act that created it. To think that such a government is to exist for all time at the national capital must excite a shudder and feeling of horror in the minds of all citizens who wish well of their country. It is a dangerous experiment for a republican government to make. It is toying with a serpent that may one day turn upon it and sting the body-politic with deadly effect.

Boys are growing up educated to the idea that they are to take no part in public affairs, that they are to pay taxes that others assess, and obey laws concerning the making of which they are not consulted.

It requires no prophet to see the end of all this. Club houses, that are becoming numerous, and whose members are mostly real-estate speculators, will continue to multiply until the entire legislation for this District, if not for the whole country, will be inspired over wine and cards within their gilded walls. All criticism of the press will be silenced, as it nearly is now, and then the craven wretches who know no god but mammon will, in their mad pursuit for wealth, take possession of the jury-boxes and silence all opposition to their selfish schemes by the indictment and conviction of every man who shall dare oppose their demands. It will then be "every man for himself," until the capital of the nation will become so rotten that its putrid atmosphere will permeate and corrupt the whole country.

This is no idle dream, but is a real picture of what is bound to come if the present despotic government is continued. To avert it, the proposed amendment guarantying a Republican form of government for this District, in harmony with the terms of the compact by which it was ceded to the United States, should be immediately adopted.

There will be no formidable opposition to such an amendment from the people of the States. In all my travels I have yet to see a dozen men, outside of the autocrats of this District and a few politicians, who profit by the present system of government, who have spoken against our right to govern ourselves.

It is from the corrupt jobbers and their allies in Congress, who have tasted "the flesh-pots of Egypt," that the opposition to this just movement will come. I see no other way but to appeal to the constitutents of such men to send men here who will be true to the great principles on which the National Government is founded, and who will keep themselves free from tangling alliances with the selfish men who are now dictating the policy of this District.

It is a burning shame and reproach upon republican institutions that the inhabitants of the capital of the greatest nation on earth, all around which are slumbering heroes who gave up their lives that this nation might live, should be deprived of every political right. Let us hope, and fervently pray, that we may soon be delivered from this disgraceful thraldom.

The sods of Arlington will grow greener when the graves of the twelve thousand Union soldiers buried there no longer look down upon a quarter of a million disfranchised American citizens! The flowers of Mount Vernon shall bloom with a sweeter fragrance when the inhabit-

ants of the city bearing the name of Washington are no longer deprived of that dearest of all boons—the right to govern themselves.

Yours for truth, liberty, and progress,

JOHN H. CRANE.

APPLETON P. CLARK, Esq.

WASHINGTON, *November* 22, 1889.

DEAR SIR: I acknowledge the receipt of your circular of the 7th, and, in reply, say that the subject could not be fairly tested here—at least at present. Neither the property-holders would take time to deposit their votes, and we should have only a list of incompetent and ambitious candidates.

I am, therefore, against the proposed amendment.

Yours, respectfully,

SAMUEL YORKE ATLEE.

Mr. CLARK.

WASHINGTON, D. C., *December* 4, 1889.

DEAR SIR: Your letter is at hand. I should be very glad to see the District of Columbia properly represented in Congress. As I understand your proposed amendment, it involves the right of suffrage. If this is the case, I think it is better to go without a Senator and Representative than to have voting again.

Yours, very truly,

B. H. WARNER.

Hon. APPLETON P. CLARK,
Washington, D. C.

WASHINGTON, D. C., *November* 30, 1889.

MY DEAR SIR: Acknowledging receipt of your esteemed favor of the 7th instant, beg to say I regard our present form of government the best we can have; with the right kind of material for Commissioners, think it preferable to any other form so far suggested.

Yours, truly,

E. KURTZ JOHNSON.

APPLETON P. CLARK, Esq.,
119 *Sixth street, northeast, City.*

WASHINGTON, *November* 23, 1889.

DEAR SIR: Your letter of the 7th instant, and accompanying pamphlet, came to hand yesterday, proposing "an amendment to the Constitution of the United States, intended to confer upon the people of the District of Columbia the common rights of American citizenship;" in other words, general suffrage, which I earnestly hope will never be granted. Off and on, during the past fifteen or twenty years, I have,

through the press and otherwise, discussed the subject very fully, and I am unalterably averse to any change that would upset our present excellent system of government. Could I have my way, there would be a law to prohibit the formation of even a political club of any party in this District.

You have well presented your case with a view to show the impropriety of "taxation without representation;" but in the end you are obliged to admit that, while this was one of the main complaints against the British Government in the Revolution, some of the great leaders in that struggle, when they came to form our Constitution, took special care to exclude the right of representation to the citizens of this District. Dwell on the principle as much as you will—and it is about all the "stock in trade" the advocates of suffrage have—the two cases are not parallel, as the framers of the Constitution well knew; and they wisely excluded the right of suffrage here, in order to avoid the disturbing influences of partisan elections.

Yours, truly,

HORATIO KING.

Mr. APPLETON P. CLARK,
Washington, D. C.

An open letter.

Hon. THOMAS M. BAYNE, M. C.,
House of Representatives, Washington, D. C.:

SIR: Two weeks ago I addressed to you a respectful request to be referred to some judicial decisions affecting the rights of the people of this District, with which you had professed to be familiar. But no reply has been received. The constitutional question involved ¶ consider very important, and I was anxious to know upon what authorityy our apparently confident opinion on the subject could have been founded.

I was well aware that a combined and systematic effort had been made to delude the people of this District into the belief you professed to entertain, in order "to keep the people quiet;" but I did not before suppose that any intelligent man in this country really entertained such sentiments. In your remarks in the House on the 30th ultimo, you are also reported as saying:

> I believe this present city government, as it is now managed, is the best managed city government in the United States. I think it is managed well and carefully and economically.

When ex-Governor Shepherd was at the head of our District government, by Executive appointment, he boasted that our District government was the best government in the world. Shortly thereafter an investigation followed by a joint select committee of Congress, representing both houses and both parties, headed by Senators Allison and Thurman, resulting in a deliberate and careful report, declaring that "your committee have unanimously arrived at the conclusion that the existing form of government is a failure."

Another form succeeded, but one to which the people have never given their consent, in which they are taxed without representation and without any voice, and placed under rulers in the appointment of whom they are not consulted and over whom they have no control or direction whatever.

But Commissioner Douglass, the present head triumvir, in imitation of his illustrious predecessor, sent forth a similiar declaration as to his dominion over us independently of the wishes of the people; and you now appear before the House of Representatives seemingly as his attorney and voucher.

In considering your "best government" theory, I shall abstain from commenting on the fact that the public debt of this District, in proportion to its population and property valuation, is much greater than that of any other municipal or State government in this country, because portions of our debt reach back into other than the present form of government which you now profess to think is "the best managed city government in the United States." I can now take time to instance only a case or two, to illustrate my view of the management to which you refer; but should an opportunity occur, I can add thereto indefinitely.

Since you have been in Congress representing a district in Pennsylvania and carefully watching over the interests of the District of Columbia, as a sort of common councilman, large sums of money have been unlawfully expended by officers ruling over us without our consent. Sums aggregating $177,946.98 have already been drawn from the Treasury under acts of Congress, by means of riders in appropriation bills to relieve the bonds of the District Commissioners from liability for the unlawful misapplication of District funds by the District Commissioners; and Congress is still persistently importuned for further relief in a very large amount of the same character. More than $50,000 of the above-named sum, from which the Commissioners' bondsmen have already been relieved, was for the diversion of the public funds for the improvement of streets in which the Commissioners were personally or sectionally interested; and a citizens' committee of the District has been denied an opportunity to appear before a committee of the present Congress to point out similar diversions of the District funds this very year.

Ours is a personal and sectional and autocratic government for the benefit of an aristocracy of wealthy speculators and corporations. That of Allegheny City is a government of the people, by the people, and for the people, and you give an unqualified preference to ours.

Do you suppose your constituents of Allegheny City feel complimented by the comparison you institute between their city government and ours? Where now is your love for republican institutions and whither have gone the manly instincts of your nature?

At the commencement of our present Commissioners' government, of which you are now enamored, in 1878, the preponderance of the population of the District was east of the meridian of Sixth street west. For the next five years, to 1883, notwithstanding new building improvements in the District averaging $2,500,000 per annum, the depreciation in the value of real estate in the entire eastern half, east of said Sixth street, was more than $5,000,000, while for the same period the increase of the valuation of real estate in the old first ward of the city alone, where the Commissioners and speculators were interested, was more than $7,000,000.

On the score of economy, to which you refer, let us compare this "best government" with the people's government. Take, for example, eight of our States from different sections of the country, Alabama, Connecticut, Maine, Michigan, New Hampshire, Oregon, Rhode Island, and Vermont. These eight States cover an area of more than 365,000 square miles and contain a population of 6,000,000 or 7,000,000, with property of the taxable valuation of more than $3,000,000,000, and they have

educated and excellent business men for governors, elected by the people and who watchfully and wisely perform the executive duties of their States respectively.

The aggregate amount of the annual salaries of these eight governors is $14,500, which is $500 less than the salaries of the executive head of our little municipality, covering an area of 62 square miles with a population of 230,000. But here we have three full-grown men to fill the executive office of a municipal government, the duties of which one man of fair business qualifications could easily perform much better than a triple-headed executive, and the salaries of the three aggregate more than $10 for every hour of service rendered by them for the District throughout the year; and even that time at that expense is mainly devoted to private and personal consultations with their friends seeking favors and in devising ways and means for portioning out and frittering away their responsibilities, or as a sham court making caricatures on judicial proceedings.

Notwithstanding your theory of the Constitution, as recently as 1887 Congress assumed to "delegate legislative powers" to our District Commissioners in police matters, under which the Commissioners—executive officers—have assumed to repeal or modify a very important pre-existing law of Congress. And this has been done and continued to this day, while you, standing at your post of duty, with your watchful vigilance and extensive knowledge of the rulings of nearly all the courts in Christendom against it, have remained quiet and silent, without a single note of warning or even a remonstrance; and, too, in palpable disregard of the thoughtful admonition of Justice Story. In his Commentaries he said:

> By a union of the executive and legislative authority in the same persons, there would be an end to liberty.

A very distinguished Senator of the United States in his place in the Senate, during the present Congress, openly declared that "the government of this District is an absolute despotism."

In conclusion, I desire to inquire of you whether or not you think some sort of a limited monarchy for us might be reconciled with our Constitution and without greatly impairing the excellence of this "best government" in your estimation.

With distinguished consideration, respectfully,

S. C. CLARKE.

WASHINGTON, D. C., *August* 19, 1890.

The District question—The other side of it as presented by William C. Dodge.

EDITOR POST: Permit me space for a few words in reply to the statements of your correspondent, J. Johnson, as to this District. Experience has taught me that there is a generally prevailing ignorance in regard to the District and its relation to the General Government, but I do not recall any statement made by a resident of any considerable length of time which contains so much of error as this statement of his.

He assumes that the founders of the Republic, in locating the capital here, did so with the idea and understanding that there should be no suffrage, and consequently no partisan strife in the District of Columbia. He further says that the District is a Government reservation, and that the residents are here by permission.

Neither of these statements is correct. This is not a Government reservation in the sense that a fort, arsenal, or navy-yard is. In all Government reservations of this kind the Government is the owner in fee-simple of the land and all that is on it, and hence can do with it what it pleases. In this District the United States Government is not and never was the owner in fee-simple of the entire territory. Originally it was all owned by the citizens. When the capital was located here by an act of July 16, 1790, after a seven years' fight over its location in Congress, President Washington made a written agreement with the owners of the land by which they were to convey to two trustees their interest in trust, to be held by them for the owners and the Government jointly until such time as the three commissioners, which the act authorized the President to appoint, had determined on the plan and boundaries of the city, when they were to convey to the United States Government such parts as might be selected for the streets, avenues, and alleys, reservations for public buildings and parks, and one-half of the lots, the remaining half to be reconveyed to the original proprietors, which was done.

The streets, avenues, and alleys, which constitute 54 per cent. of the entire area of the city—exceeding that of any other city in the world—were to be given free. The reservations, amounting to 541 acres, were to be paid for at the rate of $65.19 per acre, or $35,266.66 for the whole; but, as a matter of fact, never cost the Government anything, as it was paid out of the proceeds of the sale of the lots given it, and which lots it was agreed should be used to erect the public buildings and make the city improvements with, open the streets, build bridges, etc., and for many years the proceeds of the lots were carried on the books as the "city fund."

It is thus clear that the United States never had any title whatever to any portion of the 10 miles square constituting the District of Columbia, except that portion occupied by the streets, avenues, and alleys, the 541 acres of reservations, and the one-half of the lots, 10,136 in number, amounting to 1,508 acres; in all, 5,053 acres. All the rest of the District, aside from small tracts since purchased or condemned for public buildings, still remains the property of private citizens.

Of course the States of Maryland and Virginia, in making the cession to the United States, could only cede what they possessed, and that was the legal jurisdiction which all States possess over the territory within their boundaries—"only that, and nothing more." They could not, and did not, attempt to convey the right of property, simply because it was not theirs to convey. On the contrary, their acts of cession specially provided "that nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect right of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States;" and that "the jurisdiction of the laws of the commonwealth over the persons and property of individuals residing within the limits of the cession aforesaid shall not cease or determine until Congress, having accepted the said cession, shall by law provide for the government thereof," etc.

It is, therefore, absurd to say that this is a reservation, in the same sense as a fort, arsenal, or navy-yard; and equally absurd to say that we citizens are here "merely by sufferance, liable to be ordered off tomorrow by Congress and the President, or removed by force as trespassers are kept out of Oklahoma by United States troops," as was not long since stated. Of course, if any portion or the whole of the land in the District should be needed for public use, the Government can have

it condemned and, on paying for it, take it, just as it took that for the enlargement of the Capitol grounds, and again for the Library site. Aside from the exercise of that right neither Congress nor the President, nor both combined, have any more right to drive me from my home or take my land than Mr. Johnson has—not a bit.

From what your correspondent says about suffrage I infer that he thinks there never was any suffrage in the District and that it was the intention of the "founders of the Republic" that there never should be any. I am at a loss to see how any intelligent person could get such an idea, for there is not a particle of truth in it, as the record shows.

While the adoption of the Constitution was being advocated by those who framed it and who certainly ought to have known what the intention of the founders was on this point, Madison in the Federalist, in speaking of the District as the national capital, said:

> A municipal legislature for local purposes, derived from their own suffrages, will, of course, be allowed them.

In accordance with that idea, Congress not only recognized and continued in force the municipal governments at Alexandria, established in 1748, and Georgetown, in 1789, in both of which there was suffrage, but it also established a city government for Washington, May 3, 1802, and provided for suffrage. From that time down to 1874 the suffrage, originally confined to property-holders, was not only continued, but enlarged, until during or soon after the war it was made universal.

Nor is this all, for when, in 1803, a resolution to recede to the States all of the District except the city of Washington, Mr. Heuger, a Representative from South Carolina, in opposing it, said: "I look forward to the period when the inhabitants, from their number and riches, will be entitled to a Representative on this floor. And, in respect to their local concerns, when they grow to be more numerous and wealthy there will be no difficulty in giving them a Territorial legislature," both of which, of course, contemplated suffrage. In view of these historical facts, it is simply ridiculous for any one to pretend that the founders of the Republic ever intended or contemplated that there should not be suffrage in this District. Such a suggestion is simply an exposure of the writer's ignorance on the subject.

It is not uncommon also to hear persons say that inasmuch as the Constitution gives Congress the power "to exercise exclusive legislation in all cases whatsoever" over the District, that therefore it would be unconstitutional for Congress to establish a local government in the District. Story, the great commentator on the Constitution, did not think so, for, in discussihg this question, he says:

> In point of fact, the corporations in the three cities (Alexandria, Georgetown, and Washington) within their limits possess and exercise a delegated power of legislation under their charters granted by Congress to the full extent of their municipal wants, without any constitutional scruple or surmise of doubt. (Story on the Constitution, section 1223.)

Besides, if it is unconstitutional, by what authority does the present so-called District government exist, and by what authority does Congress confer on the three Commissioners the power to make health, plumbing, building, and police regulations; and to establish penalties for their violations, and which it says shall have the same force and effect as though enacted by Congress? What is that but municipal legislation? And if it has the constitutional right to delegate this power to three men, has it not the power to delegate it to a larger number—to the people of the District, as it did for seventy years? The question is so clear and obvious that it hardly admits of argument.

The whole question resolves itself into one of policy. What is the best plan? Of that I do not speak at present.

The exclusive power of legislation ceded by the States to the National Government was just that exclusive power which the States themselves possessed and exercised over all cities, towns, and villages within their boundaries, neither more nor less. It was the supreme, controlling, general power which all States possess over all municipalities within the State.

All persons familiar with the history of the country understand why that provision was incorporated into the Constitution. Congress, sitting at Philadelphia in 1783 at the close of the war, was threatened with violence, not by the citizens of Philadelphia, but by the discharged soldiers who sought redress and relief; and as the city and State authorities confessed their inability to protect Congress, the latter left and went to Princeton, N. J. It was to prevent the possibility of the recurrence of such events that that clause was inserted so that Congress should have supreme control of the district in which the national seat of Government might be located, and thus have the power to make such laws as it might deem necessary for that purpose.

It was not intended or expected that Congress would act as the local legislature for the District, for, as stated by Randolph in 1803, Congress had not the time nor the knowledge of local wants necessary to enable it to do so. Said he: "To attempt to legislate for the District, was, in effect, to constitute the chairman of the committee, or at any rate, the committee itself on the affairs of the territory, the Solon, or the Lycurgus of the place. It is well known that the indolence of other members or their indifference, inseparable from the situation in which they are placed, would prevent Congress from legislating with a full understanding of the objects before them," and truly prophetic words they were, as experience proves.

Mr. Johnson's suggestion that suffrage in this District would endanger the "safety of the Government buildings" is a gratuitous insult to every citizen of the District, past and present—one that I am surprised that any resident should offer. Does he not know that for seventy-odd years we voted here in the District, and did he ever in all that time hear of the public buildings being endangered by the citizens in consequence? Does not all history show that it is in cities where oppression and tyranny reign that mob violence endangers Government officials and property, and not in cities where self-government exists, and where consequently the populace are contented and happy?

W. C. DODGE.

DECEMBER 18, 1889.

Mr. Johnston's rejoinder.—More light upon the legal status of the District of Columbia.

EDITOR POST: In a recent article which you kindly published, and which Mr. W. C. Dodge has replied to at great length. I endeavored to throw new light upon the legal status of the District. I sincerely hope he does not really believe I intended to insult any one. Mr. Dodge gives us some interesting reminiscences, not sufficient, however, to prove that the United States Government was a fool when it negotiated for the District as a locality for Government purposes. I would like to ask Mr. Dodge what was the effect of the acts of Maryland, which he quotes, if not for the *very purpose* of destroying any rights to the soil of this lo-

cality, which the residents would obtain, except by permission of the Government of the United States. I did not speak of military reservations. I do not say that the United States ever had title in fee-simple to all the land in the District, but I do say that the original owners of the land parted with the titles in fee-simple. To whom? Why, to certain trustees or commissioners. What for? Why, in order to secure to the United States dominion over the soil so that it might exercise the sovereign right of eminent domain and condemn property for public uses; for if there remains within the District any property which the original owner did not part with, I submit as a sound legal proposition the United States could not condemn it.

The United States did not take this land without remuneration to the owners. It asked the owners of the soil to agree to part with their lands. The State of Maryland says some of them were so imbecile as not to consent. I recollect once reading that Washington himself paid many visits to the cabin of a certain obstinate individual named David Burns, to secure his consent to a transfer. The United States did not want all the land in fee-simple. It wanted dominion over the land. I do not say the United States could order people off, as in the case of a military reservation. Possibly it might, but it would not. The remuneration to the original owners of the soil was this very permission to retake the land in fee-simple; but to take it how? Why, under the Government of the United States, and not under the government of Maryland; thus the people of the District have acquired vested rights. Now the nation is not legally bound to respect vested rights, but all decent nations do respect them.

The Government under which the people acquired these vested rights by permission—that is, were allowed to retake their land in fee-simple—is set forth in the first section of the first article of the Constitution, which says: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives;" also, the eighth section of the same article, which says this Congress shall have power "to exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress become the seat of government of the United States."

Though not germane to the subject, I will conclude by informing Mr. Dodge that the ordinances he mentions as being secured by former suffrage are not laws. They are simply municipal regulations. Their legal status is exactly the same as that of the by-laws passed by the Washington and Georgetown Railroad. If such by-laws are not reasonable courts will set them aside. Courts can not set laws aside.

JERE JOHNSTON.

WASHINGTON, *December* 20, 1889.

The Librarian of Congress, Mr. A. R. Spofford, delivered a lecture at Baltimore, Friday night, on "the founding of Washington City." It was replete with historical facts of local interest.

The early struggles and debates in the constitutional convention and in the First Congress over the vexed question of the proper site for the seat of government were sketched at length, with salient and sometimes humorous specimens of early eloquence upon the subject. It was shown that the controversy extended over several years; that a location on the Susquehanna or the Delaware, rather than upon the banks

of the Potomac, was urged with great pertinacity by the members from New England and Pennsylvania; that much acrimony, sectional spirit, and even implied threat of dissolving the newly-formed Union of the States attended the discussion; that a very decided majority at first existed against a site so southerly as the present District of Columbia; that Germantown, a suburb of Philadelphia, was at first agreed to by both houses; that the House had twice voted to establish the capital on the Susquehanna, and that finally the site on the Potomac was accepted by the narrow majority of two votes in the Senate and three votes in the House.

These votes, moreover, could not have been had, and the question might have remained open for years but for two circumstances: First, the accession of North Carolina to the Union, giving the South votes enough, with a few from Pennsylvania, to carry the measure; and, second, a grand compromise of interests and prejudices so often seen in legislation, by which the assumption of State debts (about $20,000,000) by the United States was made to carry by an agreement that Pennsylvania should have the seat of government (then at New York) for ten years, after which it should be established on the Potomac River.

It is a notable fact that this primary act of Congress, ostensibly fixing the site of the Federal capital, actually defined no locality whatever as the ultimate seat of government. It gave to the President (Washington) the sole power to select any site on the River Potomac, between the mouth of the Eastern Branch (or Anacostia) and Williamsport, Md., near Hagerstown, a distance of about 100 miles, following the windings of the river. Washington had it in his power, under the provisions of this act, to have founded the capital at Harper's Ferry, 50 miles west of Baltimore, instead of 40 miles south of that city. He might even have located it, at his discretion, at the mouth of the Conocheague, 100 miles further up the river than the present capital; and there is a contemporaneous letter of Oliver Wolcott extant, which says: "In 1800 we were to go to the Indian place with the long name on the Potomac."

Washington, however, with that consummate judgment which marked every act of his career, selected just the one spot in the entire range of the territory prescribed by Congress which combined the advantages of unfailing tidewater navigation, convenient access from Baltimore and the other great cities northward, and superb natural sites alike for the public buildings and for the varied wants of a populous city. The "magnificent distances," once the theme of so much cheap ridicule, are found not a whit too liberal now that Washington has grown from a straggling village in the woods into a well-built and well-paved emporium for a population which has by no means begun to reach its destined high limit.

The liberal interest taken by Maryland in the successful location and growth of Washington was evinced by noble contributions in money, and by additional loan of $100,000 at a critical period when Congress had failed to make appropriations to carry forward the public buildings, and President Washington appealed with success to the State of Maryland for the loan.

[Remarks of Hon. H. W. Blair in the United States Senate, September 17, 1890.]

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 238.

IN THE SENATE OF THE UNITED STATES.

SEPTEMBER 17, 1890.—Ordered to be printed.

Mr. PLUMB submitted the following

RESOLUTION:

Resolved, That the bill (H. R. 3316) to establish a uniform system of bankruptcy be recommitted to the Committee on the Judiciary, with instruction to so amend the same as to provide a system of voluntary bankruptcy only, and as thus amended to again report the same to the Senate at the earliest practicable moment.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 239.

IN THE SENATE OF THE UNITED STATES.

SEPTEMBER 20, 1890.—Ordered to be printed.

Mr. HARRIS submitted the following

RESOLUTION:

[Requiring the re-enrollment of Senate bill No. 145, for the relief of the legal representative of Henry S. French.]

Whereas Senate bill No. 145, "for the relief of the legal representatives of Henry S. French," referring the claims to the Court of Claims; and

Whereas said bill does not require said Court of Claims to determine the jurisdicional fact of the loyalty of the said Henry S. French; and

Whereas said bill passed the Senate, and subsequently passed the House of Representatives, and was sent to the President and was, by concurrent resolution recalled from the President, in order that the bill should be so amended as to require the court to determine the question of loyalty of the said Henry S. French: Therefore,

Resolved by the Senate, the House of Representatives concurring, That said bill be re-enrolled, and in the re enrollment of said bill there shall be inserted after the word "parties," in line 9 of said enrolled bill, the following:

"And if said court shall find that said Henry S. French did not give any aid and comfort to the rebellion, but was throughout the war loyal to the Government of the United States, and such loyalty having been thus established,"

So that said bill when re-enrolled shall read as follows:

An act for the relief of the legal representatives of Henry S. French.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the legal representatives of Henry S. French, deceased, late of Nashville, Tennessee, be, and are hereby, authorized to bring suit in the Court of Claims for the recovery of the net proceeds of two hundred and thirty bales of cotton taken at Jonesborough, Georgia, in September, eighteen hundred and sixty-four, by General William G. Le Duc, by order of General Sherman, and turned over to the Treasury agent, and by him sold and the proceeds paid into the Treasury of the United States; and for this purpose jurisdiction is hereby conferred upon said court to hear and determine and render judgment in conformity with the rights of the respective parties; and if said court shall find that said Henry S. French did not give any aid and comfort to the rebellion, but was throughout the war loyal to the Government of the United States, and said loyalty having been thus established, if it shall further find that said Henry S. French in buying such cotton did not violate any non-intercourse act, and that it,

or any part thereof, was taken by the officers of the United States and the proceeds turned into the Treasury, then, and in that event, judgment shall be entered for the claimant for such proceeds, which judgment shall be paid out of the captured and abandoned property fund; and the said court shall, in the hearing of said claim, consider any evidence that may have been taken under the direction of the Southern Claims Commission in regard to the claim of Henry S. French, with authority on the part of the United States or the claimants to take additional testimony under the rules of said court: *Provided*, That an appeal shall lie in said cause from said court to the Supreme Court as in other cases.

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51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 240.

IN THE SENATE OF THE UNITED STATES.

SEPTEMBER 22, 1890.—Ordered to be printed.

Mr. PLUMB submitted the following

RESOLUTION:

To provide for an investigation in the interest of labor and capital.

Whereas certain statements made in the memorial of the Woman's National Industrial League of America for the protection of women and children employed in the mills and factories throughout the United States, and presented in the Senate on September 3, 1890, demand that the truth or falsity of these statements be known: Therefore

Resolved, That the Committee on Education and Labor be directed to investigate these charges.

That said committee shall have power to send for papers and persons, take testimony under oath, and report the results of this investigation to the Senate at the earliest practical moment in December next.

That the expenses of said committee shall be paid out of the funds of the contingent expenses of the Senate.

MEMORIAL OF THE WOMAN'S NATIONAL INDUSTRIAL LEAGUE OF AMERICA FOR THE PROTECTION OF WOMEN AND CHILDREN EMPLOYED IN THE MILLS AND FACTORIES THROUGHOUT THE UNITED STATES.

The Woman's National Industrial League of America, having carefully watched the tariff debates in the United States Senate, and having from our own observation and experience obtained facts which corroborate the statements made by several Senators, respectfully submit the following memorial:

Evidently the intended protection liberally bestowed by the House and Senate does not protect labor, but is only fruitful to the manufacturers in this country.

Women and children of tender age are virtually to-day the slaves of powerful corporations.

In the cotton and woolen mills of Pennsylvania, New York, and the New England States women and children work at from 35 to 75 cents a day; their day's work consists of ten hours; hence at from $3\frac{1}{2}$ to $7\frac{1}{2}$ cents per hour.

According to the census of Massachusetts of 1885, 23 per cent. of all persons employed in the cotton and woolen mills receive only $2.10 to $4.50 per week, attending to from two to three looms each; while in Great Britain they have charge of from one to two looms only.

Families in these aforementioned States falsify the entries in their

family Bibles, so as to enable them to put their children earlier to work than the law permits, being unfortunately forced to resort to these means in order to be able to meet current living expenses.

The president of the Woman's National League was appointed by the chairman of the Senate Committee on Education and Labor to investigate the status of the working women in this country and has also for years past carefully watched the abuses of these corporations, and from actual facts and statistics gathered appeals to your honorable body for protection to these unfortunate women and children.

Immediately after the passage of the tariff in the House on May 21 last, when a bountiful provision of an advance of 50 per cent. on the ad valorem duty was granted to the cloak manufacturers, they, on the 5th day of June, notified their women workers that their wages would be reduced 25 per cent. Receiving themselves a further protection of 50 per cent. on the ad valorem duty, yet reducing in turn their women wage-workers' pittance to a further reduction of 25 per cent. seems like grinning mockery and wanton cruelty.

The silk weavers of Bethlehem, Pa., have been notified by their employers that a reduction of 40 per cent. of their wages has been decided upon; they, for self-preservation, had to strike.

These silk ribbon manufacturers have also been liberally provided for with an advance of 20 per cent. by the House and Senate on their goods, receiving a bounty of 20 per cent. extra, and asking their white slaves to contribute from their already scant wages 40 per cent., seems almost inhuman.

Your memorialists also respectfully submit to you that women in New York city are making boys' jackets for 15 cents each (in fact, a whole jacket for the price of two loaves of bread); a pair of pants for 12 cents each.

Women finishers in the woolen mills in Pennsylvania, according to Pennsylvania annual report of the secretary of internal affairs for 1888, receive only 45 cents a day (not girls, but full grown women); women spinners, 71 cents per day; women spoolers, from 42 to 64 cents per day; women weavers, 40 to 90 cents per day, the latter to experts only.

In the knit-goods factories women (not girls) receive 55 cents per day for winding spools; women spinners, 50 cents per day; yarn twisters, 63 cents per day; yarn spinners, 66 cents per day; reelers, 65 cents per day.

Girls at work in Pennsylvania in the shoe and boot factories receive 50 cents per day.

In the textile fabric factories the women spinners and spoolers receive from 47 cents to 55 cents per day, and the winders 66 cents per day, while the dressers of woven textiles get only 43 cents per day.

According to the chief of the bureau of statistics of labor in Massachusetts, in his twentieth annual report for 1890, on page 570, he states that 391 female children from ten to thirteen years are employed in the factories of Massachusetts, and that 69,807 girls of the age from fourteen to nineteen years are doing factory work. Considering that out of the 114,223 girls of the age between fourteen and nineteen years in the whole State of Massachusetts 69,807 girls are factory girls, or over 61 per cent. of the whole girl population of that age, it seems almost incredible but for the facts presented in that official report.

In Vol. II, page 215, of the Massachusetts census for 1885, the following startling confession is recorded: "During the year ending June 30, 1885, 15,538 women were furnished with work at home, and the

amount paid to these women for the whole year was $514,362," or at the average of $33.10 a year of 312 working days, equal to 10⅝ cents per day.

All this respectfully submitted, and earnestly asking for relief, your memorialists will ever pray.

CHARLOTTE SMITH, *President.*
CATHERINE BERGEN, *Secretary.*

WASHINGTON, D. C., *September* 2, 1890.

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51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 241.

IN THE SENATE OF THE UNITED STATES.

SEPTEMBER 25, 1890.—Ordered to lie on the table and be printed.

Mr. PLATT submitted the following

MEMORIAL

OF THE PRESCOTT AND ARIZONA CENTRAL RAILWAY COMPANY, IN REFERENCE TO THE BILL (S. 4165) TO AUTHORIZE THE COUNTY OF MARICOPA TO ISSUE CERTAIN BONDS IN AID OF THE CONSTRUCTION OF A CERTAIN RAILROAD.

To the Congress of the United States:

Your memorialist, representing the Prescott and Arizona Central Railroad Company, the people of Maricopa County, and the varied interests involved in the legislation proposed by Senate bill 4165, has the honor, very respectfully, to say: That in March, 1885, the legislature of Arizona passed an act authorizing the county of Yavapai to issue bonds, at the rate of $4,000 per mile (subscribing to stock for same amount), to any railway company which should build a railway from the Atlantic and Pacific Railroad to the city of Prescott by January 1, 1887, and thence to the northern boundary of Maricopa County, when practicable (in the opinion of said company), by a line defined by said act.

No one up to this time had had the temerity or courage to attempt to build a north and south railroad in that arid country, although several needed lines had then been projected, and remain unbuilt to this day. Mr. Thomas S. Bullock, however, organized the Prescott and Arizona Central Railroad Company, took the contract from the board of supervisors of said county, and built the first section of the road—*i. e.*, from the Atlantic and Pacific Railroad to Prescott, a distance of 74 miles—within the time prescribed by the law, and hence is the pioneer in building north and south railroads in Arizona. The cost of this road to date, as shown by Poor's Railroad Manual, which is the railroad authority of the country, is $2,750,000, and hence Mr. Bullock, and the company of which he is president, has a status before Congress in any legislation to aid in the building of a through line between the Atlantic and Pacific Railroad and Phœnix, as proposed by this bill, for the reason that his large interests may be affected thereby.

It was the intention of Mr. Bullock from the outset to continue his line to Phœnix and to the Southern Pacific Railroad, but the Territorial act referred to only gives him a franchise and subsidy to the northern boundary of Maricopa County upon a line which is the shortest practicable route between Prescott and Phœnix. The fact, however, that it will not pay to build railroads in that country by private capital alone, and also that the construction of our road from Prescott to the northern line of Maricopa County stopping there would not pay, induced

the legislature to give the company unlimited discretion as to the time in which to complete it. During the same year the legislature, in the interest of certain citizens, passed a similar act for a road from Phœnix to Wickenburgh, then a mining camp with some prospects; but there was no community of interest between the two acts, for the lines in both were defined in such a manner that the Maricopa road would strike the northern boundary of that county more than 30 miles west of the point to be reached by us, and hence we could not take advantage of the subsidy provided by the latter act and build through to Phœnix.

The object of this bill purports to be to give to the citizens of Maricopa County and of that portion of the Territory a continuous line from Phœnix to the Atlantic and Pacific Railway, and this is what the people greatly need in order to the exchange of products with the people of the northern portion of the Territory. But the object of the promoters of the bill seems to be an entirely different one. In the first place, this bill defines no line, and they tell you that it is drawn to overcome the objections to a former bill which was vetoed by the President.

The vetoed bill did define the line to some extent, *i. e.*, via Prescott; but though this definition was not objected to by the President, it is left out of this bill, and any attempt to reinstate it is resisted, while all the arguments urged for the passage of both bills were founded upon the building of a continuous line which should connect the agricultural district of Maricopa, via Prescott, with the timber sections of the north, and yet Prescott and the 74 miles of road behind it are stricken from this bill, notwithstanding the people voted for a line from Phœnix to Prescott for the purpose of securing commercial intercourse with the northern portion of the Territory and relief from exorbitant freight rates, which will come by competition, (the reasons for this action of resisting a defined line will be stated later on). The road desired is one which will be of as general interest to the people of Maricopa County as for all that portion of the Territory; this is clearly set forth by the utterances of the Territorial officers, by the vote of the people, and the report of the House committee which says that—

It is represented by the people of Maricopa County, and these representations are corroborated by officials of the Territory and by the Delegate to Congress, that this proposed legislation is an imperative necessity, not only to the people of that county, but to the Territory at large.

Maricopa County is the most populous of any county in the Territory, and the most fertile and productive. In it is located what is known as the Salt River Valley. This valley contains 75 per cent. of the land now cultivated in the whole Territory of Arizona, and contains 85 per cent. of the population of Maricopa County. One million two hundred thousand dollars has been expended in the construction of ten irrigating canals, which canals water 200,000 acres of land of exceeding fertility. Immense crops of hay and cereals of various kinds are produced; but a large portion of these lands that are already provided with canals at great expense are valueless for the want of transportation facilities. Thousands of tons of hay are rotting in the stack, and large quantities of wheat and barley lie useless in granaries for want of this outlet. The proposed road, running through this valley, would give immediate relief to the farmers and be of inestimable value to all its inhabitants.

It also appears that this road is not more necessary for the exportation of products than for the importation of lumber, coal, machinery, and other articles not produced there. The people in Salt River Valley pay from $40 to $60 a thousand for lumber brought from Puget Sound, a distance of 1,500 miles. With the proposed road they will reach their own pine forests, where lumber is worth $10 to $12 a thousand. If it were for nothing but the lumber alone the aid proposed to this road would seem to be a wise investment. The lack of this road affects in a large degree all the necessaries of life.

It appears that not only Maricopa County but all Arizona will be benefited by the building of this road. The Territory is divided into two unconnected communities, without the means of commercial intercourse. In order to reach the capital by rail the people in northern Arizona have to travel nearly 1,000 miles westward, through

California, or eastward through New Mexico; but that is nothing compared to the embargo which intervening mountains lay on the trade between the people. There is no State or Territory in the Union in which the natural production of one part invites such mutually profitable exchange for those of another, and in which natural obstacles make such exchange so impossible.

The governor of Arizona in his annual report of 1889 to the Secretary of the Interior says, with reference to this road:

"The connecting railroad from the Atlantic and Pacific Railroad through Prescott and Phœnix to the Southern Pacific Railroad, is an essential road and must be built before long. It makes the exchange through that section of the produce of the south with the lumber and ores of the north, besides making available a number of large mines as to size and quantity, but just too low of grade or value to stand present rates of transportation. While lumber in Phœnix is worth $45 to $60 per thousand feet, less than 200 miles from here, and within the Territory, it is worth only from $12 to $15 for the same classes."

It appears that three years ago this county gave a subsidy of $200,000 of bonds to secure a branch connection with the Southern Pacific Railroad; that while its charges are so exorbitant as to be practically prohibitory upon exports, and a tremendous tax upon those necessaries of life that must be imported, yet the benefit has been great. It has made it possible to begin the development of the resources of MaricopaCounty.

In view of these facts the House committee unanimously adopted an amendment to the first section of the bill, requiring the road to be built on the shortest practicable route, knowing that this would connect with the 74 miles built from the Atlantic and Pacific to Prescott, and at the same time save the people a large amount of money and serve their expressed wishes in regard to the line to be occupied, and for the reason that 106 miles of road would fill the gap between the two cities of Phœnix and Prescott, only 45 of which would lie in Maricopa County to be subsidized, while on the Reynolds line the distance would be 147 miles, 70 of which is to be subsidized.

Further, the committee adopt as part of this report a statement made by N. O. Murphy, secretary of the Territory, giving "Reasons why Maricopa County should be authorized to grant a subsidy to induce the construction of a north and south Railroad."

First. Because it is the practically unanimous wish of the people, who know their wants.

Second. Because it is a necessity to the progress and development of the county that railway competition be had.

Third. Because the desired competition can not be had unless subsidy inducements are granted.

Fourth. Because the usual arguments against such legislation do not apply in this case.

Fifth. Because it can be clearly shown that the county will be a financial gainer by granting the subsidy.

Sixth. Because there is virtually no opposition to the proposition except from people who fear competition, which is in itself a strong argument in its favor.

Seventh. Because a north and south road will bring into competition two great transcontinental trunk lines for the trade of the country crossed, which can not fail to benefit the people and insure their prosperity.

Eighth. Because the traffic of the county and neighborhood praying for this relief is now completely at the mercy of railroad corporations, and there is no escape except by securing competition.

The locality which this legislation proposes to relieve and assist is situated between two trunk lines of railroad, one the Southern Pacific and the other the Atlantic and Pacific. There is a branch road from the Southern Pacific north to the city of Phœnix 34 miles long, and there is a branch from the Atlantic and Pacific south to the city of Prescott 73 miles long. The distance between the two places is approximately 130 miles. Each locality has but one outlet and is consequently wholly without the advantages of competition, and the country between, having no railroad, can not be developed and utilized to advantage and profit.

It therefore devolves upon the people in self-defense to use every effort to induce the construction of this road connecting the two main lines by parties independent of either of the two great corporations. I respectfully contend that a case of similar conditions can not be found in the country. The city of Phœnix, the capital of the Territory, and the county seat of Maricopa County, has 7,000 inhabitants and is the

distributing and supply point of one of the finest agricultural valleys on this continent, larger in area than some of the States of the Union, and she now sees her progress retarded and the development of this great agricultural section checked by a lack of transportation facilities that would afford a market for the product bountifully raised and rapidly advance the wealth and prosperity of the section.

The city of Prescott, the county seat of Yavapai County, and the former capital of the Territory, has 3,000 inhabitants and is the largest town in the northern part of Arizona. It is the distributing point for a large section of mineral, timber, and grazing country, and the people are forced to go abroad for their agricultural supplies, their flour, hay, barley, etc., and pay a double price for them because they have no road to the rich valleys of the south, where the grain is stored unsold for want of a market. The people of the southern valleys could with the aid of a railroad get lumber and other timber, coal, etc., in the north for about one-half what it now costs them going to the far East and far West therefor, besides finding a home market for agricultural products. The consequences are that the great natural resources of this part of the country can only be partially developed. Mines can not be worked and made productive which with cheaper supplies would yield riches, and the other industries of the neighborhood are comparatively retarded.

These two localities north and south directly interested have 30,000 people and depend very largely upon each other, and each is willing and anxious to contribute to the advancement of the other and a north and south railroad is almost a natural necessity to them both. The people are assured that if the subsidy is authorized relief will be quickly afforded. Over 95 per cent. of the voters of Maricopa County have declared by public ballot in favor of the subsidy, and they have looked into the matter carefully. They know all about the responsibilities they wish to assume; they see clearly their condition and know their wants, and they earnestly ask Congress to grant them simply what they claim to be their right in equity and justice as free Americans.

On behalf of the Territory of Arizona, and of Maricopa County especially, and because it is necessary to the welfare and prosperity of the people, I ask that the desired legislation be had.

Referring to the issue at the election held August, 1889, the fact is that out of 846 votes given outside of Phœnix 536 were cast by precincts 10 to 20 miles east of that city, which would not have cast a vote for Reynolds's line. Hence it will be seen that all the arguments in favor of the passage of the bill are based not upon local issues, but upon a through line, and one that is defined to include Prescott and the road behind it which penetrates the great mountain plateau on the north, covered with forests of magnificent timber, the products of which are so largely needed and used in the South.

The fact is that everything which the people of the North have to sell is wanted in the South, and everything the people of the South have to sell is wanted in the North. Now, the line we propose to build will save 40 per cent. in mileage over the Reynolds line, and upon which these exchanges will be made for all time to come.

Mr. Bullock is abundantly able and anxious to extend his line to Phœnix, but, as I have before stated, to build simply to the northern boundary of Maricopa County will not pay, nor will it pay to build through to Phœnix and then compete with a subsidized road for a portion of the business of Maricopa County; neither will the parties asking for the passage of this bill as it now stands, ever build to the Atlantic and Pacific should we extend our line to Phœnix, and in the minds of many it is a matter of extreme doubt whether Mr. Reynolds intends to build beyond his mines in the direction of the Atlantic and Pacific Railroad.

At any rate, it was and is his intention to build northwest from Phœnix (while Prescott lies directly north), in the direction of his mines and along the townships in which his aiders and abettors have attempted to secure a large acreage of desert lands through procured titles—a very questionable means. The records of the Land Office show, viz., that the Arizona Canal Company and the Arizona Improvement Company, of

both of which William J. Murphy is president, the Valley Bank of Phœnix, of which Mr. William Christy is cashier, with William J. Murphy, William Christy, H. H. Logan, Jere Millay, W. H. Sherman, S. C. Simonds, and S. D. Fulton as witnesses, combined to acquire titles to 94 entries of desert lands in Maricopa County, 41 of which were for 640 acres each, 11 for 480 acres each, and the remainder for 320 down to 40 acres each, aggregating between 30,000 and 40,000 acres of land, the average value of which where they can be irrigated is said to be $30 per acre.

Now, these lands are mainly situated in the townships contiguous to or traversed by the line of road which Reynolds proposes to build. This is referred to to show that this legislation is sought to serve private and not the public interests of the people of Maricopa County or of that section of the Territory, and the reason why a defined line of road is so stubbornly resisted by these parties. The ability of Mr. Bullock to build this road having been questioned by these promoters before the House committee, I wrote to the largest banking house in the United States upon this subject, and hereto append their reply as follows:

[J. & W. Seligman & Co., Bankers.]

NEW YORK, *September* 5, 1890.

DEAR SIR: Your inquiry of yesterday as to the financial standing of Mr. T. S. Bullock to hand, to which we take great pleasure in stating to you that we have had in the past two years business dealings with Mr. Bullock amounting to $8,000,000; and as to whether Mr. Bullock is capable of building 130 miles of railroad, we would state that he has built within the past year and a half upward of 250 miles of railroad, and we consider Mr. Bullock capable of carrying out any enterprise that he undertakes.

Yours, truly,

J. & W. SELIGMAN & CO.

General W. C. KIBBE,
Washington, D. C.

It is a significant fact that the amendment to the first section of the bill, *i. e.*, *by the shortest practicable route*, which was unanimously made by the House committee, and directly in the interest of the people, was met by the promoters with the announcement that they would kill the measure if that amendment remained in it, and even the honorable Delegate from the Territory, being present, said to the committee: "Gentlemen, you can do what you please with this bill now. I shall never call it up or attempt to pass it." So they do not want a short line, though it runs through the very center of this large county and will accommodate the people two-thirds of whom live east of Phœnix and of our line.

The other amendments proposed by the subcommittee of the House *were to increase the trustees to three, naming Mr. Bullock as one; to prevent the issue of any bonds until the line was completed from Phœnix to the Atlantic and Pacific Railway*, to all of which I readily assented; and I also suggested to that committee that the limit of 45 miles in the county could be made, the maximum grade to 40 feet to the mile, and the time to build to two years, which would also be acceptable to our company.

I most respectfully submit the above and ask your careful consideration thereto, with the further statement that we have the ability and the desire to build and have the road completed in the shortest possible space of time, and thus carry out our original intention, which will give to our securities their natural and deserved fruition, and by

which also the great and pressing needs of the people will be speedily and fully subserved by the passage of the bill with the proper amendments adopted as proposed.

I therefore ask the honorable Congress to meet the questions presented and act upon them as their merits demand, again affirming all I have hitherto said with reference to the desire of the parties I represent to complete their line and extend the same to the city of Phœnix.

W. C. KIBBE,
For and on behalf of the Prescott and Arizona Central Railroad Company and of the People of Maricopa County.

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 242.

IN THE SENATE OF THE UNITED STATES.

SEPTEMBER 25, 1890.—Ordered to be printed.

Mr. INGALLS, from the Committee of Conference, submitted the following

CONFERENCE REPORT:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 4), "Authorizing the establishing of a public park in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House of Representatives, and agree to the same, with an amendment in the nature of a substitute, as follows:

That a tract of land lying on both sides of Rock Creek, beginning at Klingle Ford Bridge, and running northwardly, following the course of said creek, of a width not less at any point than six hundred feet nor more than twelve hundred feet, including the bed of the creek, of which not less than two hundred feet shall be on either side of said creek, south of Broad Branch road and Blagden Mill road and of such greater width north of said roads as the commissioners designated in this act may select, shall be secured, as hereinafter set out, and be perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States, to be known by the name of Rock Creek Park: *Provided, however*, That the whole tract so to be selected and condemned under the provisions of this act shall not exceed two thousand acres nor the total cost thereof exceed the amount of money herein appropriated.

SEC. 2. That the Chief of Engineers of the United States Army, the Engineer Commissioner of the District of Columbia, and three citizens to be appointed by the President, by and with the advice and consent of the Senate, be, and they are hereby, created a commission to select the land for said park, of the quantity and within the limits aforesaid, and to have the same surveyed by the assistant to the said Engineer Commissioner of the District of Columbia in charge of public highways, which said assistant shall also act as executive officer to the said commission.

SEC. 3. That the said commission shall cause to be made an accurate map of said Rock Creek Park, showing the location, quantity, and character of each parcel of private property to be taken for such purpose, with the names of the respective owners inscribed thereon, which map shall be filed and recorded in the public records of the District of Columbia, and from and after the date of filing said map the several tracts and parcels of land embraced in said Rock Creek Park shall be held as condemned for public uses, and the title thereof vested in the United States, subject to the payment of just compensation, to be de-

termined by said commission, and approved by the President of the United States: *Provided*, That such compensation be accepted by the owner or owners of the several parcels of land.

That if the said commission shall be unable by agreement with the respective owners to purchase all of the land so selected and condemned within thirty days after such condemnation, at the price approved by the President of the United States, it shall, at the expiration of such period of thirty days, make application to the supreme court of the District of Columbia, by petition, at a general or special term, for an assessment of the value of such land as it has been unable to purchase.

Said petition shall contain a particular description of the property selected and condemned, with the name of the owner or owners thereof, if known, and their residences, as far as the same may be ascertained, together with a copy of the recorded map of the park; and the said court is hereby authorized and required, upon such application, without delay, to notify the owners and occupants of the land, if known, by personal service, and if unknown, by service by publication, and to ascertain and assess the value of the land so selected and condemned, by appointing three competent and disinterested commissioners to appraise the value or values thereof, and to return the appraisement to the court; and when the value or values of such land are thus ascertained, and the President of the United States shall decide the same to be reasonable, said value or values shall be paid to the owner or owners, and the United States shall be deemed to have a valid title to said land; and if in any case the owner or owners of any portion of said land shall refuse or neglect, after the appraisement of the cash value of said lands and improvements, to demand or receive the same from said court, upon depositing the appraised value in said court to the credit of such owner or owners, respectively, the fee-simple shall in like manner be vested in the United States.

SEC. 4. That said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession.

SEC. 5. That no delay in making an assessment of compensation, or in taking possession, shall be occasioned by any doubt which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners. In such cases the court shall require a deposit of the money allowed as compensation for the whole property or the part in dispute. In all cases as soon as the said commission shall have paid the compensation assessed, or secured its payment by a deposit of money under the order of the court, possession of the property may be taken. All proceedings hereunder shall be in the name of the United States of America and managed by the commission.

SEC. 6. That the commission having ascertained the cost of the land, including expenses, shall assess such proportion of such cost and expenses upon the lands, lots, and blocks situated in the District of Columbia specially benefited by reason of the location and improvement of said park, as nearly as may be, in proportion to the benefits resulting to such real estate.

If said commission shall find that the real estate in said District directly benefited by reason of the location of the park is not benefited to the full extent of the estimated cost and expenses, then they shall assess each tract or parcel of land specially benefited to the extent of such benefits as they shall deem the said real estate specially benefited. The commission shall give at least ten days' notice, in one daily news paper

published in the city of Washington, of the time and place of their meeting for the purpose of making such assessment and may adjourn from time to time till the same be completed. In making the assessment the real estate benefited shall be assessed by the description as appears of record in the District on the day of the first meeting; but no error in description shall vitiate the assessment: *Provided*, That the premises are described with substantial accuracy. The commission shall estimate the value of the different parcels of real estate benefited as aforesaid and the amount assessed against each tract or parcel, and enter all in an assessment book. All persons interested may appear and be heard. When the assessment shall be completed it shall be signed by the commission, or a majority (which majority shall have power always to act), and be filed in the office of the clerk of the supreme court of the District of Columbia. The commission shall apply to the court for a confirmation of said assessment, giving at least ten days' notice of the time thereof by publication in one daily newspaper published in the city of Washington, which notice shall state in general terms the subject and the object of the application.

The said court shall have power, after said notice shall have been duly given, to hear and determine all matters connected with said assessment; and may revise, correct, amend, and confirm said assessment, in whole or in part, or order a new assessment, in whole or in part, with or without further notice or on such notice as it shall prescribe; but no order for a new assessment in part, or any partial adverse action, shall hinder or delay confirmation of the residue, or collection of the assessment thereon. Confirmation of any part of the assessment shall make the same a lien on the real estate assessed.

The assessment, when confirmed, shall be divided into four equal installments, and may be paid by any party interested in full or in one, two, three, and four years, on or before which times all shall be payable, with six per centum annual interest on all deferred payments. All payments shall be made to the Treasurer of the United States, who shall keep the account as a separate fund. The orders of the court shall be conclusive evidence of the regularity of all previous proceedings necessary to the validity thereof, and of all matters recited in said orders. The clerk of said court shall keep a record of all proceedings in regard to said assessment and confirmation. The commission shall furnish the said clerk with a duplicate of its assessment book, and in both shall be entered any change made or ordered by the court as to any real estate. Such book filed with the clerk when completed and certified shall be prima facie evidence of all facts recited therein. In case assessments are not paid as aforesaid the book of assessments certified by the clerk of the court shall be delivered to the officer charged by law with the duty of collecting delinquent taxes in the District of Columbia, who shall proceed to collect the same as delinquent real estate taxes are collected. No sale for any installment of assessment shall discharge the real estate from any subsequent installment; and proceedings for subsequent installments shall be as if no default had been made in prior ones.

All money so collected may be paid by the Treasurer on the order of the commission to any persons entitled thereto as compensation for land or services. Such order on the Treasurer shall be signed by a majority of the commission and shall specify fully the purpose for which it is drawn. If the proceeds of assessment exceed the cost of the park the excess shall be used in its improvement, under the direction of the officers named in section eight, if such excess shall not exceed the amount

of ten thousand dollars. If it shall exceed that amount that part above ten thousand dollars shall be refunded ratably. Public officers performing any duty hereunder shall be allowed such fees and compensation as they would be entitled to in like cases of collecting taxes. The civilian members of the commission shall be allowed ten dollars per day each for each day of actual service. Deeds made to purchasers at sales for delinquent assessments hereunder shall be prima facie evidence of the right of the purchaser, and any one claiming under him, that the real estate was subject to assessment and directly benefited, and that the assessment was regularly made; that the assessment was not paid; that due advertisement had been made; that the grantee in the deed was the purchaser or assignee of the purchaser, and that the sale was conducted legally.

Any judgment for the sale of any real estate for unpaid assessments shall be conclusive evidence of its regularity and validity in all collateral proceedings except when the assessment was actually paid, and the judgment shall estop all persons from raising any objection thereto, or to any sale or deed based thereon, which existed at the date of its rendition, and could have been presented as a defense to the application for such judgment.

To pay the expenses of inquiry, survey, assessment, cost of lands taken, and all other necessary expenses incidental thereto, the sum of one million two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That one-half of said sum of one million two hundred thousand dollars, or so much thereof as may be expended, shall be re-imbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of three per centum per annum upon the deferred payments: *And provided further*, That one-half of the sum which shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia, in the manner now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States.

SEC. 7. That the public park authorized and established by this act shall be under the joint control of the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army, whose duty it shall be, as soon as practicable, to lay out and prepare roadways and bridle paths, to be used for driving and for horseback riding, respectively, and footways for pedestrians; and whose duty it shall also be to make and publish such regulations as they deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, animals, or curiosities within said park, and their retention in their natural condition, as nearly as possible.

JOHN J. INGALLS,
ANTHONY HIGGINS,
ISHAM G. HARRIS,
Managers on the part of the Senate.
LOUIS E. ATKINSON,
JNO. J. HEMPHILL,
Managers on the part of the House.

O

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 243.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1890.—Referred to the Committee to Audit and Control the Contingent Expenses of the Senate.
SEPTEMBER 30, 1890.—Ordered to be printed.

Mr. JONES, of Nevada, reported the following

RESOLUTION:

To amend resolution authorizing an investigation into the status of negotiations between the Government of the United States and the Cherokee tribe of Indians.

Resolved, That the resolution of the Senate passed on the 26th day of February, A. D. 1890, be, and the same is hereby, amended so as to read:

"That the Select Committee on the Five Civilized Tribes of Indians be, and it is hereby, authorized and empowered to investigate the status of the negotiations between the United States Government and the Cherokee tribe of Indians in relation to the tract of country known as the Cherokee outlet, with power to send for persons and papers, to employ a stenographer, and to administer oaths, and that they have leave to hold sessions of said select committee during the sessions, and to visit by subcommittee the Indian Territory at the earliest day practicable to continue said investigation, and as soon as may be report to the Senate all necessary expenses incurred under the authorization of this resolution, to be paid out of the contingent fund of the Senate."

51ST CONGRESS, 1st Session. | SENATE. | MIS. DOC. No. 244.

IN THE SENATE OF THE UNITED STATES.

OCTOBER 1, 1890.—Ordered to be printed.

Mr. HOAR submitted the following

PETITION OF EZRA NAT. HILL FOR THE PASSAGE OF A NATIONAL ELECTION LAW.

To the honorable the Senate of the United States:

The undersigned, a citizen of the United States, respectfully petitions that your honorable body will take measures to pass at the earliest possible day a law providing for the conduct of elections of members of the national House of Representatives under national authorities.

Your petitioner refers to the accompanying statements, marked A, with the table connected with the same, which he has carefully prepared, showing the actual vote in sixty-three Congressional districts of the United States as returned. Said tables satisfy your petitioner, and he conceives will satisfy the Senate, that the vote so returned does not represent the true will of the people in said districts, and that to give effect to the true will of the people it is necessary that the election therein should be conducted under national authorities.

EZRA NAT. HILL.

A.

The best possible evidence of the need of a national election law is given by the following tables: Table No. 1 gives by States thirty-three Congressional districts in the South; the first column containing the name of the States; the second, the number of the district; the third and fourth, the white and colored population in 1880; the fifth, the rate of increase in the States for eight years, as shown by the census of 1890; the sixth and seventh, the population, white and colored, in 1888; the eighth, the name and politics of the Representative elected in 1888; the ninth and tenth, the Democratic and Republican votes (*as counted*) in 1888; and the eleventh, the total vote.

In each of these districts the colored population exceeds the white, and in all but three of them by 5,000 or over. In but three of these districts were Republicans returned as elected to the Fifty-first Congress. These were the Second North Carolina and the First and Second Virginia. The population of these thirty-three districts in 1888 was, white 2,458,085, colored 3,588,499, giving, on the usual basis of one voter to five inhabitants, 1,209,251 voters, of whom 491,617 would be white and 717,640 colored. The average number of voters in the districts was 36,664, of whom 14,900 would be white and 21,744 colored.

The total vote as returned from these thirty-three districts was 697,425, *not more than one-half of the actual males* over twenty-one years of age.

Thirty-three Congressional districts in New York, with about the same population of the thirty-three in the table, at the same election, in 1888, polled 1,206,304 votes. The average vote polled in the New York districts was 36,560, as against 21,137 in the Southern districts.

In seven of the districts, including the three from which Republicans were returned, the population was 580,034 white, 748,535 colored, a total of 1,328,579, an average of 189,787 to the district, which shows, at one to five, an average of 37,955 males of voting age. The vote in these seven districts as returned was 214,042, or 30,578 as the average. These districts, the Third Louisiana, the Tenth Tennessee, Third and Fourth Virginia, from which Democrats were returned, and the Second North Carolina and First and Second Virginia, from which Republicans were elected, show a vote equal to six-sevenths of the vote in New York. The twenty-six other Southern districts had a total vote of 483,383 votes, an average of 18,581, or slightly over one-half of the average in New York.

Table No. 2 contains eleven districts, in which the whites are in a small majority, but where the Democrats control all the election machinery. In these districts there are numbers of white Republicans, enough with the colored vote, *which is always Republican*, to make all these districts Republican, yet not one of the eleven was represented by a Republican when the Fifty-first Congress met.

In the last six districts in this table, that is, the First, Fourth, and Sixth North Carolina, the Fifth and Tenth Virginia, and the Fifth Maryland, the population is 657,245 white, 503,139 colored, a total of 1,160,384, with an average of 193,397. This at one to five would give 38,679 males of voting age to the district. The vote in these districts in 1888 averaged 32,086, showing that the colored people in them, at least, not only desired to but exercised the privilege of voting, which Southern Democrats say is not the case elsewhere.

The Southern Democrats continually say that there are no white Republicans in the South except a few "irresponsible fellows, who stir up the negroes to strife."

Seventeen Republicans were returned elected to the Fifty-first Congress, three of them from the "black district" in Table No. 1. Table No. 3 gives the population, white and colored, of the other fourteen Republican districts.

The total vote in these fourteen districts was 433,720, the average being 30,908 to the district. The Republican candidates secured 240,106 votes, even by the Democratic count. As the entire colored population of the fourteen districts was in 1888 only 334,972, there could not have been more than 67,000 colored voters, leaving at least 170,000 white voting Republicans in these districts.

Leaving out two of them, the Second Louisiana and the Fifth North Carolina, there would be only 200,000 colored as against 1,940,000 whites, and the Republican vote in the twelve districts was 215,000—that is, 15,000 more than there were colored inhabitants.

Table No. 4 more fully emphasizes this. The five districts in that table are all Republican. The population is, white, 918,407; colored, 56,028. The vote was, according to Democratic count, Republican, 89,840; Democratic, 92,035.

The Democrats claim that while the colored men are Republicans, they do not care to vote. Table 1 gives thirty-three districts in which the colored men are in the majority; in only six of the thirty-three was there anything approaching an average vote. These were the Third Louisiana, the Second North Carolina, the Tenth Tennessee, the First, Second, Third, and Fourth Virginia. All of these districts but the

Second North Carolina contain or are controlled by cities of considerable size, where intelligent white Republicans *force* the Democrats to permit colored men to vote, and even in some instances succeed in getting a fair count.

This last was not the case in the Tenth Tennessee, where it was a Democratic necessity to secure the electoral vote of the State and a majority in the legislature favorable to a particular Senatorial candidate, and the vote had to be manipulated accordingly. These districts and the eleven given in Table No. 2 refute the claim that the colored men do not desire to vote, whilst the figures in the other two tables absolutely refute the Democratic claim that there are no white Republicans in the South.

The tables also prove that of the one hundred and twenty-three Congressional districts in the old slave States, *sixty-three*, with fairly-conducted elections, would send Republican Representatives to Congress, and give to the Republican candidates the electoral votes of Virginia, North and South Carolina, Tennessee, Georgia, Alabama, Mississippi, Louisiana, and Florida.

Interesting facts from the census reports and the election returns about sixty-three Congressional districts in the Southern States, containing the population, white and colored, in 1880 *and in* 1888, *as shown by the average rate of increase in the last decade, with the vote for Representatives in* 1888.

No. 1.—THIRTY-THREE SOUTHERN DISTRICTS WITH COLORED MAJORITIES.

State.	District.	Population in 1880.		Percentage of increase for 8 years. (Census.)	Population 1888.		Representatives returned.	Vote in 1888.		Total.
		White.	Colored.		White.	Colored.		Democrat.	Republican.	
Ala....	1st..	60,167	74,445	25	75,209	93,056	R. H. Clarke	11,594	7,105	18,699
Ala....	2d ..	63,609	67,461	25	79,511	84,526	H. A. Herbert	14,041	7,203	21,244
Ala....	3d ..	71,690	87,419	25	89,612	109,274	W. C. Oates	13,347	2,869	16,216
Ala....	4th .	32,834	135,370	25	49,042	169,137	L. W. Turpin	18,778	5,625	24,403
Ga....	2d ..	70,591	99,402	18	83,300	117,110	H. G. Turner	11,000	.....	11,000
Ga.....	3d ..	63,777	86,663	18	75,277	102,263	C. F. Crisp	9,254	3,130	12,384
Ga.....	4th .	75,049	81,997	18	88,558	96,676	T. W. Grimes	9,798	4,125	13,923
Ga.....	6th .	54,389	79,164	18	64,180	93,314	J. H. Blount	10,962	5,032	15,994
Ga.....	8th	64,261	90,162	18	75,826	106,368	H. H. Carlton	7,408	2,226	9,634
Ga.....	10th.	59,330	92,699	18	70,070	109,380	J. F. Barnes	6,577	797	7,374
La.....	3d .	86,656	87,373	16	100,516	101,353	Andrew Price	18,761	11,405	30,166
La.....	4th .	63,113	91,672	16	74,479	106,342	N. C. Blanchard	16,302	963	17,265
La.....	5th .	52,062	117,846	16	63,342	121,731	C. J. Boatner	21,275	1,151	22,422
La.....	6th .	70,874	93,536	16	83,614	108,500	S. M. Robertson	12,078	4,314	16,392
Miss...	2d..	78,266	91,390	15	90,005	105,098	J. B. Morgan	13,978	5,817	19,795
Miss...	3d ..	25,374	104,475	15	29,179	120,145	T. C. Catching	11,624	4,614	16,238
Md	4th..	79,074	105,077	12	90,934	120,837	C. Lewis	12,855	2,396	15,251
Md	5th..	91,589	99,484	12	105,321	144,406	C. L. Anderson	16,265	3,994	20,259
Md	6th..	59,558	66,800	12	68,490	76,820	T. G. Stockdale	10,580	3,464	14,044
Md	7th..	63,332	115,833	12	73,406	133,107	C. E. Hooker	11,977	3,887	15,864
N. C...	2d..	68,753	116,041	16	79,750	134,600	H. P. Cheatham, R	16,051	16,764	32,761
S. C ..	1st..	.....	.....	16	.....	.....	S. Dibble	8,540	1,296	9,836
S. C ...	2d ..	53,093	92,452	16	61,590	107,244	G. D. Tillman	10,704	1,405	12,109
S. C....	3d ..	62,787	68,780	16	72,927	79,894	J. S. Cothran	8,758	16	8,774
S. C....	4th .	64,247	104,961	16	74,525	121,754	W. H. Perry	11,410	6	11,416
S. C....	5th .	51,436	69,866	16	59,664	81,044	J. J. Hemphill	9,559	27	9,582
S. C....	6th .	56,750	78,090	16	65,830	90,584	G. W. Dargan	8,586	327	8,913
S. C....	7th .	.....	.....	...	.....	.....	William Elliott	8,358	7,003	15,361
Tenn ..	10th	66,936	86,292	13½	77,107	97,442	James Phelan	20,149	11,730	31,879
Va.....	1st..	71,954	72,715	19	85,650	86,531	Bayly Browne, R	14,317	14,731	29,048
Va.....	2d ..	70,705	101,827	19	84,139	121,174	G. E. Bowden, R	13,726	19,821	33,547
Va.....	3d ..	72,296	73,651	19	86,032	87,645	G. D. Wise	15,608	15,347	30,955
Va.....	4th .	56,174	100,664	19	66,847	119,790	E. C. Venable	13,299	12,367	25,666
Total					2,458,085	3,588,199		517,525	179,900	697,425
Average.....								15,682	5,451	21,137

The population of the First and Seventh South Carolina districts can not be arrived at and divided as to race, as the district lines do not follow the subdivisions on which the census is taken. The two districts in 1880 had 102,792 white and 190,073 colored, and 114,099 white with 210,980 colored in 1888, the most of the whites being in the First district, which includes the city of Charleston.

No. 2.—ELEVEN SOUTHERN DISTRICTS WHERE THERE ARE SMALL WHITE MAJORITIES.

State.	District.	Population 1880.		Per cent. of increase for eight years.	Population 1888.		Representatives.	Votes.		
		White.	Colored.		White.	Colored.		Democrat.	Republican.	Total.
Fla	1st..	71, 650	65, 397	32	94, 578	86, 323	R. H. M. Davidson	19, 824	9, 717	29, 544
Fla	2d ..	70, 957	61, 251	32	93, 657	80, 851	R. Bullock.....	20, 012	16, 817	36, 829
Ga.....	1st..	77, 516	74, 329	18	91, 469	87, 707	R. E. Lester.....	11, 736	5, 116	16, 852
Ala....	6th .	93, 338	72, 062	25	117 297	90, 035	J. H. Bankhead	16, 521	7, 849	24, 370
Miss...	1st..	70, 670	68, 441	15	81, 270	78, 707	J. M. Allen.....	11, 353	1, 732	13, 085
N. C. ..	1st..	83, 488	68, 878	16	96, 844	79, 896	T. G. Skinner	16, 615	15, 457	32, 072
N. C...	4th .	99, 230	74, 419	16	115, 106	86, 559	B H. Bunn.....	19, 926	17, 358	37, 284
N. C	6th .	101, 755	81, 260	2	118, 035	94, 261	A. Rowland.....	20, 502	14, 797	35, 299
Va.....	5th .	98, 200	48, 532	19	116, 858	57, 752	P. G. Lester.....	14, 417	13, 044	27, 461
Va.....	10th.	96, 329	61, 742	19	114, 631	73, 472	H. St. G. Tucker	14, 587	13, 994	28, 581
Md	5th .	86, 242	73, 209	11	95, 771	81, 399	B. Compton	16, 000	15, 819	31, 819

The First Georgia contains the county of Chatham, which is 50 miles long and has only one polling place, which is in the city of Savannah. There were 27,000 negroes in 1880 to 17,000 whites, and this is the method by which they are disfranchised.

The white emigration to Florida has been mostly from the North and Republican. The State is largely Republican but the Democrats holding possession suppress the vote.

Birmingham is in the Sixth Alabama and large numbers of white Republicans live there, but they are dominated by force.

The First North Carolina was Republican for several terms, and the Fourth in the Fiftieth Congress.

The Fifth and Tenth Virginia were both Republican in the Fiftieth Congress.

No. 3—FOURTEEN SOUTHERN DISTRICTS SENDING REPUBLICANS TO THE FIFTY-FIRST CONGRESS.

State.	District.	Population 1880.		Per cent. of increase for 8 years.	Population 1888.		Representative.	Vote 1888.		
		White.	Colored.		White.	Colored.		Republican.	Democrat.	
Ky	10th.	139, 139	11, 659	11	154, 443	12, 989	J. H. Wilson	15, 720	15, 247	30, 967
Ky	11th.	139, 890	18, 767	11	155, 277	20, 830	H. F. Finley	15, 822	14, 006	29, 828
La	2d	90, 936	58, 690	16	105, 494	68, 080	H. D. Coleman	9, 121	8, 647	17, 168
Mo	8th	442, 271	30, 581	18	521, 878	36, 085	F. G. Niedringhaus	14, 210	12, 394	26, 604
Mo	9th						Nathan Frank	13, 762	11, 312	25, 074
Mo	10th						W. M. Kinsey	18, 980	16, 896	35, 876
Mo	13th.	171, 042	5, 337	18	198, 408	6, 296	W. H. Wade	16, 480	13, 301	29, 781
N. C	5th	95, 692	57, 128	16	109, 002	66, 337	J. M. Brower	15, 940	15, 265	31, 305
N. C	9th	124, 658	16, 060	16	144, 601	18, 629	H. G. Ewart	15, 433	14, 915	30, 348
Tenn	1st	146, 224	15, 145	13½	165, 963	17, 189	A. A. Taylor	19, 495	12, 324	31, 819
Tenn	2d	135, 293	16, 805	13½	153, 507	19, 073	L. C. Houk	23, 368	9, 844	33, 212
Tenn	3d	127, 594	22, 298	13½	142, 544	25, 307	H. C. Evans	18, 641	18, 353	36, 994
Md	4th	120, 000	20, 000	11½	133, 800	22, 300	H. Stockbridge, jr	19, 078	18, 998	38, 176
Md	6th	142, 531	21, 397	11½	158, 922	23, 857	L. E. McComas	19, 056	17, 442	36, 498

No. 4.—FIVE SOUTHERN DISTRICTS, ALL REPUBLICAN, WITH BUT FEW COLORED VOTERS.

Va	9th	153, 055	16, 772	19	182, 125	19, 958	J. A. Buchanan	16, 042	16, 524	32, 566
W. Va	1st	170, 324	2, 650	20	204, 989	3, 180	J. O. Pendleton	19, 242	19, 261	38, 503
W. Va	2d	153, 028	14, 357	20	183, 633	17, 228	W. L. Wilson	20, 091	20, 469	40, 560
W. Va	3d	136, 054	9, 360	20	163, 265	11, 232	J. D. Alderson	14, 631	15, 944	30, 575
W. Va	4th	153, 663	3, 692	20	184, 395	4, 430	J. M. Jackson	19, 334	19, 337	39, 674

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51ST CONGRESS, 1st Session. } SENATE. { MIS. DOC. No. 245.

IN THE SENATE OF THE UNITED STATES.

OCTOBER 1, 1890.—Ordered to be printed.

Mr. COCKRELL submitted the following

MEMORIAL OF THE NATIONAL CONVENTION OF THE REPRESENTATIVES OF THE COMMERCIAL BODIES OF THE UNITED STATES IN FAVOR OF THE PASSAGE OF THE TORREY BANKRUPT BILL.

OFFICERS AND CHAIRMEN OF COMMITTEES

OF THE

NATIONAL CONVENTION OF THE REPRESENTATIVES OF COMMERCIAL BODIES OF THE UNITED STATES.

Officers.

President, JAY L. TORREY, St. Louis.
Treasurer, PETER NICHOLSON, St. Louis.
Secretary, JAMES T. WYMAN, Minneapolis.
Assistant Secretary, FRANCIS J. MCMASTER, St. Louis.

Committees.

Presidential, JAMES O. BROADHEAD, St. Louis.
Congressional, LOWE EMERSON, Cincinnati.
Finance, WILLIAM T. BAKER, Chicago.
Bankruptcy Literature, BREEDLOVE SMITH, New Orleans.
Executive, WILLIAM E. SCHWEPPE, St. Louis.

ST. LOUIS, *September* 27, 1890.

To Congress:

Your memorialist, the national convention of the representatives of commercial bodies of the United States, respectfully asks that you will at an early day pass the Torrey bankrupt bill, because its enactment and honest administration will benefit the whole people, and submit for your consideration statements in brief and at length as folllows:

(1) The constitution confers on honest insolvents a right to have a bankrupt law enacted.

(2) Honest insolvents will be discharged; dishonest insolvents will be punished.

(3) A conservative tone will be given to transactions between debtors and creditors.

(4) Commercial credit will be extended and the prices of commodities reduced.

(5) The giving and receiving of preferences will be prevented.

(6) Fraud will be prohibited, and such persons as commit wrongs will be punished.

(7) Dishonest and insolvent debtors will be required to make a complete showing and a full surrender of their property.

(8) Creditors having claims of equal merits against bankrupt estates will receive pro rata dividends.

(9) The coercion of debtors by their large creditors, and of large by little creditors will be prevented.

(10) Voluntary and involuntary bankruptcy are necessary in the best interests of debtors and creditors.

(11) The estates of insolvents and dishonest persons will be quickly, economically, and equitably divided, without "fear, favor, or affection."

(12) The New Testament was revised. The present bill is an improvement on all former bankrupt laws.

(13) The rights of creditors and debtors as provided by the bill are an addition to those now enjoyed.

(14) The bill is a wise measure, both because of what it does and does not contain.

(15) The per centum of failures to those engaged in business was greater in 1889 than in 1879.

(16) A continuation of the prosperous condition of the country will be guaranteed.

THE CONSTITUTION CONFERS ON HONEST INSOLVENTS THE RIGHT TO HAVE A BANKRUPT LAW ENACTED.

The provisions of the Constitution, pursuant to which Congress alone has a right to enact a bankrupt bill, is as follows:

> The Congress shall have power to establish * * * uniform laws on the subject of bankruptcies throughout the United States.

Honest insolvents have a constitutional right to demand that Congress shall exercise this power for their benefit.

Senator Henry Clay, in addressing the Senate in 1840 upon the subject of the then pending bankruptcy bill, spoke in reference to the rights of the honest poor man involved in debt as follows:

> Mr. PRESIDENT: Power and duty are often synonymous. The possession of the exclusive power to pass laws on the subject of bankruptcies by the General Government draws after it a high and responsible obligation and duty to the States, to the Union, and to the people, the performance of which that Government is not at liberty to elude or neglect.
>
> * * * * * * *
>
> The Declaration of American Independence, which announced our existence as a nation, solemnly proclaims, as a self-evident truth, that the right of any individual person to life, liberty, and the pursuit of happiness, is *inalienable*. Does the wretched bankrupt, sunk down and overwhelmed by perhaps unmerited misfortune, against which no human foresight or prudence could guard, enjoy the benefit of this maxim? He is not, indeed, deprived of life; but he drags out a miserable and lingering existence, without one cheering hope. The humanity of progressive civilization has exempted his person from incarceration in the dark cells of a public jail; but the liberty which is granted to him enables him only to see more distinctly, in the light of heaven, and intensely to feel, the misery of his condition. Stripped of all motives to human exertion, with the incubus of an immovable mass of debt upon him, surrounded by a family sharing without being able to alleviate his sorrows and sufferings, he is mocked by the privilege of the pursuit of happiness, pronounced to be inalienable in the most memorable declaration of human rights that was ever promulgated to the world. Let us, sir, make that guaranty substantial, practical, available, by fulfilling the duty imposed upon us in the power delegated in the Constitution to pass this law.

It does not seem possible that there can be two views as to the duty of Congress to enact a bankrupt law. If there are, the better view is that the duty to do so is plain and that it ought accordingly to be performed without delay.

HONEST INSOLVENTS WILL BE DISCHARGED; DISHONEST INSOLVENTS WILL BE PUNISHED.

The bill makes ample provision for the discharge of honest insolvents from the amount of their debts over and above the amount paid in dividends from their estates, except such as are contracted in a fiduciary capacity.

A petition for a discharge must be filed after the expiration of two and within the next four months subsequent to the adjudication. If the petitioner can show to the satisfaction of the judge that he was unable to file his petition within that time he may file it within the next six months, but a petition can not be filed after the expiration of the first twelve months after the adjudication.

All of the creditors will be notified of the application for a discharge and will have an opportunity to appear in court and oppose it.

Discharges which have been fraudulently obtained may be revoked within two years after being granted.

Dishonest insolvents who have committed forbidden acts, upon conviction, will be punished by imprisonment not to exceed three years.

There are now no federal laws in force for the punishment of dishonesty perpetrated by the citizens of one State as against the citizens of another. There are in most of the States provisions calculated to prevent certain kinds of dishonesty, but they are notoriously inadequate, and such attempts as have been made for their enforcement have proven so ineffectual that they are for commercial purposes at least practically a dead letter.

The penalties provided by this bill for acts of dishonesty will, of course, be enforced in the courts having jurisdiction within the State where the offenses were committed.

These provisions of the bill will exercise a preventive effect upon the commission of wrongs, the value of which in a commercial sense can not be overestimated.

It is the duty of every man to amply provide for the necessities of himself and those dependent upon him. The laws of the several States do not protect him in the performance of his duty in this regard. He is therefore not infrequently led into the making of fraudulent transfers and of secreting property If the bill in question were enacted his rights would be so clearly defined and the exercise of them so plainly provided for that there would not be in the first place occasion for such acts, and in the second place if he were inclined to do more than his duty he would be prevented by the restraining influence of the penalty provisions of the bill.

It is therefore submitted that the bill ought to be enacted to secure to honest insolvents their rights and do away with the incentive for wrong-doing, and to deter persons who are inclined to do wrong from so doing.

A CONSERVATIVE TONE WILL BE GIVEN TO TRANSACTIONS BETWEEN DEBTORS AND CREDITORS.

Under existing State laws the creditor's rights are governed by forty-two different codes. Whenever a debtor having property in different States, fails, it is administered in different ways as provided under the laws of the State where it is situated. The variance of these laws, and the difficult questions that arise under them, are productive of great expense, which in the end is of course borne out of the debtor's prop-

erty. The uncertainty as to what the creditor's rights are of course renders him uneasy and necessitates that he should at all times be on the alert to prevent not only the loss of the amount due from the debtor by reason of the latter's wrong-doing, but because the estate of the common debtor may be seized by some other creditor who will collect dollar for dollar and leave nothing for him. It is not an uncommon spectacle for a solvent debtor, who has become pressed without his own fault, to have his property disposed of at sacrifice sales in the struggle between his creditors, and he left with a great burden of indebtedness.

There ought to be, but is not, an opportunity for an honest man who has become involved without his own fault to fully and frankly disclose his condition to his creditors and leave it to them to say whether he shall pay a per centum upon his indebtedness, be forgiven the balance, and proceed with his business, or whether the estate shall be wound up and divided pro rata. If he attempted to do so in the present condition of the laws, his property would be at once attached by the more enterprising of his creditors. As soon as they thereby secured a lien for the amount of their indebtedness a compromise would be of course impossible. If, as the first step to the making of a compromise, there is a receiver appointed, or an assignment is made, it then becomes the small creditor who objects to anything like a compromise unless his claim is paid in full. Upon the passage of this law the taking of such an advantage will be prevented, and as a result the involved debtor can have a meeting of his creditors, with full assurance that if proceedings are instituted he can prevent an advantage being obtained by one creditor over another by going into bankruptcy and securing his own and the rights of all the creditors.

It follows therefore that a conservative tone will be given to dealings between debtors and creditors to their mutual benefit.

COMMERCIAL CREDIT WILL BE EXTENDED AND THE PRICE OF COMMODITIES REDUCED.

The improvement or perfection of the law for the enforcement of fair dealing between man and man always increases commercial credit between strangers. In the present complex relations of trade it is impossible for any dealer to know any considerable number of his customers. In turn it is practically impossible for even the smallest trader to know any considerable number of the people personally from whom he purchases his wares. It necessarily follows that the enactment of a law designed to enforce rules of equity in the dealings between these strangers in trade, begets in each of them confidence. The one will therefore be enabled to sell and the other to purchase upon a broader scale than heretofore, and just in proportion as the volume of trade increases the per centum added for profit will be reduced, and as a result the consumer of commodities can purchase them at a lower price.

The honest consumers is after all, the one most interested in securing the desired legislation. He it is who bears the burden of increased profits incident to prevailing dishonesty. The manufacturer and the wholesaler who offers his wares in a State where the laws are notoriously inadequate for their protection, must, in pursuance of the first law of nature, that is, self-preservation, add to the original profit an amount as security, or insurance if you please, against loss in that State. When the losses come he has collected the money in advance with which to pay them, and comes off therefore practically unharmed. The retail dealer does not pay the added profits or insurance, because

he in turn adds the additional amount paid to the amount charged to the customer, so that the amount is really paid by the honest solvent consumer. It therefore follows that the honest man is interested in proportion to the commodities consumed in enforcing honest dealing upon his neighbors, and upon the jobbers and manufacturer. The enactment of this law will readily enable him to do so to an extent that he has not heretofore been able to do on account of the notorious inadequacy of the State laws.

It is therefore respectfully submitted that the bill ought to be passed to the end that commerce may be increased between strangers in trade, and that the honest consumer may purchase needed commodities at the cost of production with a living profit added, instead of with the combined profit added as an insurance against dishonesty.

THE GIVING AND RECEIVING OF PREFERENCES WILL BE PREVENTED.

The fact that under most of the State laws preferences may be given furnishes the creditors with the right to demand them and enables the strong creditor to coerce the weak debtor into giving them, which amounts to the paying of the debt of one creditor and not paying the debt of another who has equal equities to be paid. If preferences were forbidden the creditor would not have a right to demand their giving, and as a result the terror of the demand would be entirely removed so far as the retailer is concerned.

It is not an infrequent practice among houses, and particularly among those situated in different States which sell goods in a common territory to unload their weak customers on other houses and when they have secured a stock of goods secure a preference and thereby collect dollar for dollar of their indebtedness. For example, a house in A has a customer in X who has fallen behind, and could not upon enforced liquidation pay 50 cents on the dollar. The customer goes to the house in B to purchase goods and gives as a reference the house with whom he formerly dealt. In reply to the letter of inquiry the house in A says that the customer formerly dealt with it and is considered honest and industrious. The new customer is thereupon given a line of credit. When the stock has been replenished the creditor who does business at A takes a bill of sale at an estimated valuation of the property and cancels its indebtedness. If the customer is able to secure a compromise at a small figure the A house considerately furnishes the cash, and then appoints the customer manager of the business, sells the goods at their real value, and as a result has realized enough to re-imburse it for the original amount and for the advance made to compromise with the B creditor, who, in fact, furnished the merchandise to make good the losses of the A house in previous years. It is an unfortunate fact that this effect is reached in various forms all over the country from day to day.

Is swindling as above outlined right? Ought it to be tolerated? Ought there not to be a law to prevent wrongs of this nature and enable the creditor to collect and the debtor to pay a pro rata of his indebtedness to all of his creditors in the event he can not pay the whole amount? If so, this bill ought to be enacted.

FRAUD WILL BE PROHIBITED, AND SUCH PERSONS AS COMMIT WRONGS WILL BE PUNISHED.

The pending bill contains very carefully drafted sections which forbid, under severe penalties, the perpetration of fraud. The State laws upon these subjects are practically for commercial purposes dead letters. The acts forbidden in these sections are for the most part perpetrated from day to day the year around, and yet when it is proposed to enact a bankrupt law of which these sections are a conspicuous part, there are two classes who shout no! The one class is made up of criminal lawyers who have battled against laws to prevent and punish crime until it has become second nature with them to rail against criminal laws as "a curtailment of the liberties of the people." It is confidently anticipated that this bill will effectually curtail the liberties of those persons who commit fraud. The other class is made up of thoughtless persons, who during the existence of a bankrupt law, attribute the commission of fraud and wrong-doing to the fact of there being such a law in force, instead of to the immorality of the perpetrators.

The situation is fairly outlined by questions and answers as follows:

Q. Is fraud and crime perpetrated nowadays?—A. It is.

Q. Has it been every day since the repeal of the old law?—A. It has.

Q. Will it be after the enactment of this bill?—A. It will be, in spite of the pains and penalties prescribed, but will be greatly reduced because the bill has been very carefully framed with that end in view.

Q. Who will be materially injured by the passage of these sections to prevent and punish fraud and corruption?—A. Thieves.

Q. Who will be materially benefited by their passage and enforcement?—A. The dependents of would-be thieves, who suffer more than the thieves do during the infliction of punishment; the honest consumer who has to pay in multiplied profits for the amounts stolen by thieves; the honest trader who has to meet the competition of fellow-traders who are thieves, and the honest members of society at large who are directly and indirectly injured and outraged by the wrongs perpetrated by thieves.

The class that will be injured by the passage of the penalty provisions is not entitled to the consideration of Congress; the class that will be benefited is, and we therefore ask that the bill be passed.

DISHONEST AND INSOLVENT DEBTORS WILL BE REQUIRED TO MAKE A COMPLETE SHOWING AND A FULL SURRENDER OF THEIR PROPERTY.

Dishonest men are of course dishonest in their statements, unsupported by oath, made to their creditors. Insolvent debtors are usually at least deceitful upon the same subject. To guard against impositions upon creditors the bill has provided that the bankrupt must file a schedule of assets and list of creditors under oath, and has made provisions that in the event facts are willfully misstated the bankrupt shall be punished.

In addition to the filing of the schedule and list as above the bankrupt must submit to an examination at a meeting of his creditors or in open court. Other persons who are competent witnesses may also be examined touching their knowledge in open court or before a designated officer upon the order of court.

The title of the bankrupt to his property vests in the trustee upon his appointment by the creditors as of the date of the filing of the petition. The title of the bankrupt to all the property which has been fraudulently transferred vests in the trustee. All conveyances which have been made by the bankrupt in fraud of his creditors may be set aside upon proceedings instituted by the trustee. Property which has been transferred as a preference, or its value may be recovered by the trustee for the benefit of the creditors.

Under existing laws the bankrupt is not required to make an adequate showing, nor is there a general belief that a full surrender is made, in a large number of failures.

It is respectfully submitted that under the provisions of this bill the showing will be complete, and that there will be a full surrender of property.

CREDITORS HAVING CLAIMS OF EQUAL MERIT AGAINST BANKRUPT ESTATES WILL RECEIVE PRO RATA DIVIDENDS.

Persons holding claims of the same class against the estates of deceased persons the world over receive a pro rata dividend upon proof of their claims. Courts of equity have from time immemorial directed trustees of funds against which there were claims of equal merit to pay them pro rata. There are adjudicated cases in which the directors of insolvent corporations have been held to be trustees of their estate for all of the creditor's pro rata. Why should not these rules be applied to the every-day mercantile transactions when a mercantile death occurs?

This bill provides for the payment of dividends pro rata to creditors of the same class; its enactment would increase confidence between members of the mercantile world, enlarge credits, prevent men in straitened circumstances from having their business destroyed by a contest between creditors for enforced preferences, and in all respects redound to the general good.

It is therefore respectfully submitted that the bill ought to be passed because it will enable creditors having claims of equal merit to receive pro rata dividends.

THE COERCION OF DEBTORS BY THEIR LARGE CREDITORS, AND OF LARGE BY LITTLE CREDITORS, WILL BE PREVENTED.

It will not be denied by any well-informed person that debtors under the present law are frequently coerced by their large creditors into the giving of preferences, the making of fraudulent bills of sale and sham conveyances, to the detriment of at least their other creditors. This result is possible only because the debtors have no adequate remedy against compulsory process on the part of their large creditors, and must therefore yield to their importunities to do wrong.

There is a species of coercion in addition to that above named on the part of little as against large creditors. In the event of a failure the creditor who has a claim for but a small amount can, and not infrequently says to the larger creditors that their claims are for sale, and that they will not consent to any terms of compromise, but insist upon payment dollar for dollar. Under the provisions of the present laws there are no adequate means for preventing this kind of coercion. It is useless to argue with the small creditor, as he has but a petty money interest and proposes to inflict a large loss upon the less fortunate cred-

itors who have claims for larger amounts, or collect the whole amount due to him.

To enact the present bill will be to strike a death-blow to both of the above classes of coercion. They are both pernicious, ought not to exist, and the sooner they are ended the better for the mercantile world.

VOLUNTARY AND INVOLUNTARY BANKRUPTCY ARE NECESSARY IN THE BEST INTERESTS OF DEBTORS AND CREDITORS.

Debtors are vitally interested in the enactment of the involuntary features of the bill. If the involuntary provisions were stricken out and the voluntary provisions were enacted the result would be that most of the debtors in the whole country would be forced into liquidation. Such an enactment would practically impair the general credit of all persons, as it would give to every debtor an opportunity to deliberately put his assets out of his hands, go through bankruptcy, swindle his creditors, and "renew business at the old stand." Honest men do not want any such opportunity; dishonest men ought not to have it. All of the scandals that arose under the old law were under the voluntary features of it. It is not possible to prevent the voluntary law from being occasionally taken advantage of by unscrupulous persons even when the involuntary law is also in force. It would be infinitely worse if the involuntary features were omitted, as the rascal could then deliberately prepare for his fraudulent mercantile death without the possible interference of his creditor.

The relationship of debtor and creditor is mutual and reciprocal; it is voluntarily entered into by both parties. It is impossible to force a man to become either a debtor or a creditor. Each transaction creates members of each class. The claim of the creditor is exactly equal in amount to the debt owed by the debtor; the result is, that the aggregate amount due to creditors is exactly equal to the amounts due by debtors. Should a law be enacted which would favor the members of one of these classes to the detriment of the other? Most assuredly not.

The man of affairs belongs to both classes; ought he in his capacity as a debtor to have rights without having at the same time reciprocal rights in his capacity as a creditor? No.

There never has been in existence a voluntary bankrupt law. Hundreds of commercial bodies in all parts of the country have passed resolutions in favor of this law, but not one such organization has asked for a voluntary system of bankruptcy. Great numbers of citizens have petitioned for the enactment of this bill, but none of them have ever expressed a wish for simply a voluntary law. Many persons have protested against the passage of any law at this time, and some of the same persons have withdrawn their protest and petitioned for the early passage of the bill; but the wish has always been for both the voluntary and involuntary systems or for none at all.

The men of this country are fair-minded. They are willing to give and to take by the same rule. They do not want a one-sided law; they either want a two-sided one or none at all.

It is therefore respectfully submitted that the interests and petitions of all classes demand the enactment of both the voluntary and involuntary systems of bankruptcy.

ESTATES OF DISHONEST AND INSOLVENT PERSONS WILL BE QUICKLY, ECONOMICALLY, AND EQUITABLY DIVIDED, WITHOUT "FEAR, FAVOR, OR AFFECTION."

Every business man is interested in knowing the value of his claims against estates and in realizing the amount as soon as possible. His prosperity depends upon his capital available, and it is therefore injurious to his business to have it tied up in endless litigation or in claims against estates which are not promptly administered.

The bill under consideration provides for a prompt return of process issued in bankruptcy proceedings, in a prompt hearing, and the early determination of all of the rights of the parties interested in the controversy. If a composition is desired, the question can be determined without delay. If administration is necessary, the powers of the court are ample to require prompt action. Every officer is interested in a financial way in closing up the estate and distributing the proceeds in dividends as soon as possible; that is, the clerk receives his compensation in advance, and will therefore desire to be relieved from the rendition of any services in the case as soon as possible. The referee will receive a $10 fee per case as soon as it is concluded and the records are returned to court, and will therefore seek to reach the end as soon as possible. The trustee is the representative of the creditors, and the person appointed by them to protect their interests. He is paid only a commission, which is computed upon the dividends actually paid to the creditors. He therefore is interested in having the dividends as large and payable as early as possible and the expenses as small as is consistent with the proper administration of the estate. The creditors are, of course, the beneficiaries in the speed and economy in the settlement of the affairs of the debtor. The restrictions imposed upon these officers will prevent them from yielding in any respect to "fear, favor, or affection."

The law as petitioned for, if enacted and enforced, will be of great aid to commerce, because the administration of bankrupt estates will be speedily obtained at small cost.

THE NEW TESTAMENT WAS REVISED.—THE PRESENT BILL IS AN IMPROVEMENT ON ALL FORMER BANKRUPTCY LAWS.

The opponents to the proposed legislation, who give as their sole reason for opposition the fact that the three bankrupt laws heretofore in force in the United States have been repealed, should not forget that the New Testament was advantageously revised. It should also be remembered that there have been amendments to the Constitution of the United States.

All of the constitutions of the several States, except the new ones, and all of their statutory law, and all of the statutory law of the United States have been from time to time amended and revised. It is therefore not surprising that there should have been amendments to the bankrupt law of this country. The public-spirited citizens who are conducting this agitation are not of that class of theoretical dreamers who believe that the law they advocate is of necessity perfect, but they do know that it has been drafted in the presence of all of the precedents in the world and that it is an honest endeavor in the right direction. At the beginning of the movement ten thousand copies of the bill were printed and distributed, and criticism invited. Many valuable ones were received, and such wisdom as they contained has been embodied in the

bill. The author of the bill has said from the beginning of the agitation, and still says, that the wisdom of any criticism which can not be answered will be embodied in the bill.

There never has been and is not now any end to be accomplished by the movement other than the enactment of a wise and perfectly fair law. There has not been in the whole course of the movement any covert acts, nor the securing of results by indirection, nor does the bill contain a single section in which there is a covert or double meaning. In other words, the agitation is not prompted from a selfish stand-point, but wholly in the interests of all the people.

There is a certain class of theorists who frankly admit that bankrupt laws are necessary, say once in a decade, or after some great public panic or calamity, to enable the wrecks to be cleared away. It is respectfully submitted that if the law is necessary to clear away a great accumulation of wrecks, that for the same reason it is necessary to clear away the individual wreck. That is to say, the aggregate number of wrecks are after all but an accumulation of single ones, and since the law operates not upon the group together, but upon the individual singly, it is quite as important to the individual that has suffered a wreck at any time to have an opportunity to make a fresh start as it would be if he had been wrecked at the time a large number of others were wrecked.

It is therefore submitted that an approximate perfection can only be attained by repeated trials, and that the only way to secure a permanent and desirable bankrupt law is to enact one and thereafter amend it from time to time as occasion may require.

THE RIGHTS OF CREDITORS AND DEBTORS AS PROVIDED BY THE BILL ARE IN ADDITION TO THOSE NOW ENJOYED.

It is not proposed to take away from the creditor a right to institute any proceeding which he is now entitled to institute against his debtor, nor is it proposed to deprive any defendant from making his defense as against any proceeding which may be instituted by the enactment of the proposed legislation.

Under the last law certain claims could not be proved as against a bankrupt estate. The effect of this provision was that men were not infrequently thrown into bankruptcy for the purpose of enabling creditors of a certain class to divide as between themselves the entire estate, while creditors of other classes were not permitted to share in the dividends. But under the present law, all claims of every kind and description which constitute a legal liability may be proven as against the estate. If they are unliquidated claims they must be liquidated as directed by the court before they can be proved, but in the end there is no distinction.

The creditor of to-day, irrespective of the kind of claim or the amount involved, may institute proceedings as against a debtor without let or hindrance. Proceedings in bankruptcy as proposed can not be instituted by a less number than three persons if the creditors are more than twelve in number, who together have aggregate claims in excess of securities held of $500 or over. If the creditors are twelve or less in number, one person, who holds a claim of the same amount or over in excess of securities held, may institute proceedings. The purpose, of course, of these restrictions is to prevent so far as possible the improvident institution of proceedings. It certainly is a safeguard in behalf of the debtor, and is a complete answer to the argument of the oppo-

nents of the law that it is possible for the rich and powerful to oppress the weak. The institution of a suit against a debtor for a petty amount is frequently of great detriment to him, and in a large per centum of cases precipitates litigation which results in the financial destruction of the business of the defendant. In many of the courts of the country a prompt trial can not be had, and as a result, suits, the very existence of which is a great injury to the defendants, can not be brought to trial for a long period of time.

According to the terms of this bill, process will be returnable in fifteen days. The answer can be filed within five days thereafter, and in ordinary course the issues will be made up and the defendant entitled to a trial as to the cause of bankruptcy, alleged at the expiration of the twenty days. The defendant is entitled to a trial by jury, as of course upon application, and in all respects will have an opportunity to be heard in his defense with like force and effect as in other cases.

During the pendency of proceedings the defendant's property will not be disturbed nor taken charge of unless it shall be shown to the court that there is necessity therefor in behalf of the best interests of the creditors, and unless a bond shall be given to indemnify the defendant in the event the action is not sustained. And even after the giving of such bond, the defendant may, if he desires, give a counter-bond conditioned for the production of the property or its value in the event of adjudication.

Creditors might complain of the proposed legislation if it deprived them of their rights or cut them off in their remedies, and debtors might resent its passage if they were thereby placed at an arbitrary disadvantage as against their creditors; but since both of them are to be benefited they are both necessarily interested in the early passage of the bill.

THE BILL IS A WISE MEASURE, BOTH BECAUSE OF WHAT IT DOES AND DOES NOT CONTAIN.

The language used in the bill is plain and concise. It can be readily understood by persons of the most rudimentary scholastic attainments. The provisions are analytically arranged. Each subject is embraced within a chapter, and each idea is placed in a section to itself and given a serial number, and a catch word or title. There is no duplication of statements of what the law is on a given subject. It is fully and clearly stated in a section to itself, and will not be found restated anywhere else in the measure.

The most conspicuous precedents for the authors of our former laws upon the subject were the English acts. Those acts were not safe precedents because of the difference between the form of government in England and the United States. All subjects are legislated upon by one tribunal in that country, and, as a result, all of the statute law might be consolidated under the heading of bankruptcy and no harm would result; but, in this country, where State legislatures have sole power to legislate upon certain subjects, and a national legislature in turn has certain exclusive powers, such a consolidation is impossible. It therefore follows that our law upon the subject must be confined to certain limits.

The trouble with all of our preceding laws has been that they were too comprehensive; they embodied subjects not proper to be legislated upon by Congress. They interfered with satisfactory State legislative enactments and wise judicial decisions of the State judiciary, and in

those respects were hurtful, and the whole of the measures were therefore repealed instead of being circumscribed.

The rules of proceedure in bankruptcy cases ought to be the same as in others, with perhaps the single exception of requiring greater expediency. Under the law of 1879 appeals were specially provided for, and in addition thereto there was a supervisory control of the circuit over the district court. The result was great annoyance to the bar, enormous expense to litigants, and consequent dissatisfaction with the law.

State laws, which are in effect bankrupt laws, will of course be superseded by such law as Congress may enact pursuant to the sole power reserved to it by the Constitution; but State laws, which are not in the strictest sense bankrupt laws, must not be interfered with.

A bankrupt law, in order to be a permanent one, must be susceptible of being inlaid, if you please, with existing laws upon kindred and other subjects. If it is not, if it is lapped over and embraces subjects already properly provided for by the State laws and decisions there will be engendered an agitation that will eventually secure its repeal.

A reading of the present bill will disclose the fact that it embraces fewer subjects than former ones, and is still comprehensive of the subject.

The bill may therefore fairly be considered meritorious because of what it does as well as what it does not contain.

THE PER CENTUM OF FAILURES TO THOSE ENGAGED IN BUSINESS WAS GREATER IN 1889 THAN IN 1879.

The necessity for a stable and equitable law, especially in the West and South, is shown by the increased numbers of commercial failures in the last eleven years, *i. e.*, since the repeal of the old law. The statistics show that the per centum of failures has greatly increased, and the conclusion is irresistible that it is due largely to the fact that under existing laws the rights of those who are in debt are not properly guarded; that an opportunity for and the practice of fraudulent preferences and kindred wrongs are not after all in the best interest of a healthy commerce.

In Alabama in 1879 there were 24 failures; the number engaged in trade was 5,483; the per centum of failures was therefore .44. In 1889 the number of failures had increased to 134 and the number engaged in business to 9,886. The per centum was 1.35.

In Arkansas the number engaged in mercantile pursuits has more than doubled in the last eleven years. The per centum of failures has increased from 1.10 in 1879 to 1.82 in 1889.

In Colorado the number of business enterprises has increased in the eleven years from 3,572 to 11,580. The number of mercantile deaths in the same time has increased from 47 to 165. The per centum was, therefore, in 1879, 1.31, and in 1889, 1.42.

In Dakota (North and South) the increase in per centums has been from .69 to 1.25 in the same period.

The per centum in Florida was 1 in 1879; the next year it fell to .60; the year afterwards it was .61, and in 1889 it had increased to 1.03.

Georgia's showing in 1879 was the same exactly as Florida's; that is, 1. The next year it fell to .79, but in 1888 it had increased to 1.09, having in 1885 and 1886 reached 2.04.

In Illinois the per centum in 1879 was .54; 1880, .25, and in 1881, .26.

The figures reached in 1884 was 1.37. For the two years just passed the per centum has been .95.

In Indiana the traders increased from 27,285 in 1879 to 40,164 eleven years after. The per centum of failures has, however, increased in the same time from .45 to .53. During the whole time the per centum did not for any one year equal 1.

Iowa shows an increase of from .65 to .96.

Kansas has run from .58 to 1.17 in the same period. The total liabilities in 1889 of those who failed reached $2,629,209, or almost twice as much as for any preceding year within the eleven.

Kentucky makes a showing of an increase in traders from 17,542 in 1879 to 22,706 in 1889, while the number of failures has run from 138 to 223, the per centum being from .79 to .98.

Louisiana's mercantile death-rate was 1.14 in 1879, the year afterwards it fell to .64, but in 1889 had reached 1.49.

Maryland has gone from .66 to .70 in the same period.

Minnesota has varied from 1.27 in 1879 and .73 in 1880 to 1.20 in 1890 and 1.91 in 1889.

Mississippi showed failures of 1.34 in 1879, a decrease to .89 the year afterwards, and an increase in 1888 to 1.51, and last year to 1.57.

Missouri ranged from .44 to .69, but never did reach 1.

Montana has increased from .58 to 1.21.

Nebraska has a record of an increase of only the difference between 1.25 and 1.30 in that time.

North Carolina suffered in 1879 to the extent of 1.43; in 1880 .74, and in 1889 to 1.84.

Texas makes a showing of 1.28 in 1879, 2.77 in 1886, 2.63 in 1887, 2.74 in 1888, and 1.65 in 1889.

Virginia's per centum has been .80 in 1870 and 1.20 in 1889.

West Virginia has increased in the eleven years from .47 to .84.

Statistics for the whole country show that the per centum has increased from .95 in 1879 to 1.04 in 1889.

A CONTINUATION OF THE PROSPEROUS CONDITION OF THE COUNTRY WILL BE GUARANTIED.

The prosperity of the country rests to a great extent in the confidence of men in each other. There is no element that so far begets and supports such confidence as a knowledge that there are such laws as will prevent such confidence being violated, and in the event it is attempted will furnish such persons as have been wronged a complete remedy.

There is always great danger that when any one of a series of business concerns intimately connected becomes involved all of them will be ruined, notwithstanding they may be unquestionably solvent. This danger arises from a want of knowledge on the part of the creditors as to their real condition, and the fear that some other creditor will begin proceedings first and thereby secure the entire amount due. The result is great harm to the debtor and creditors.

It is therefore of the utmost importance that there should be in existence a uniform, equitable law for the adjustment of difficulties in the event of trouble. The presence of such a law will do more than any other one thing to prevent a panic.

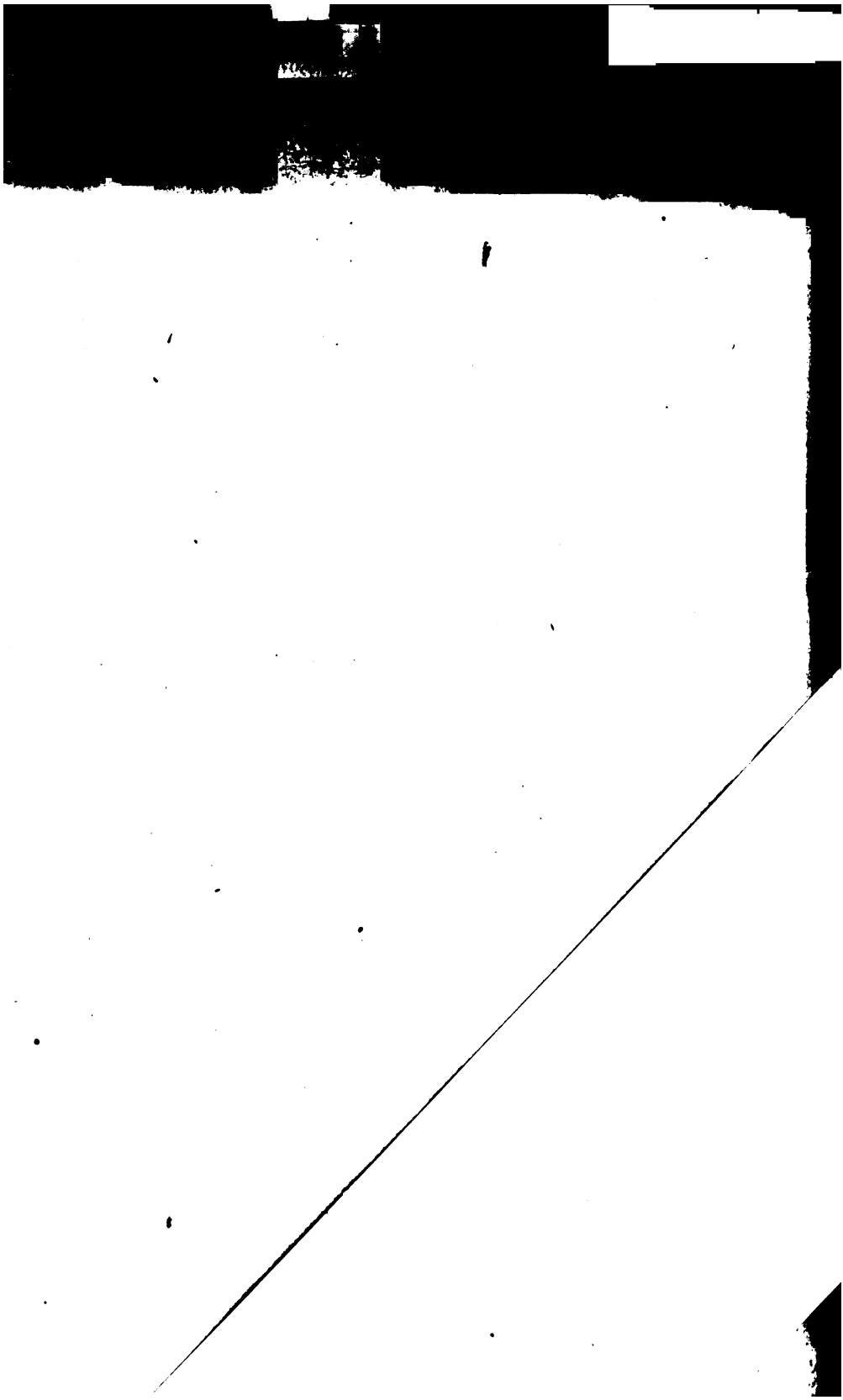
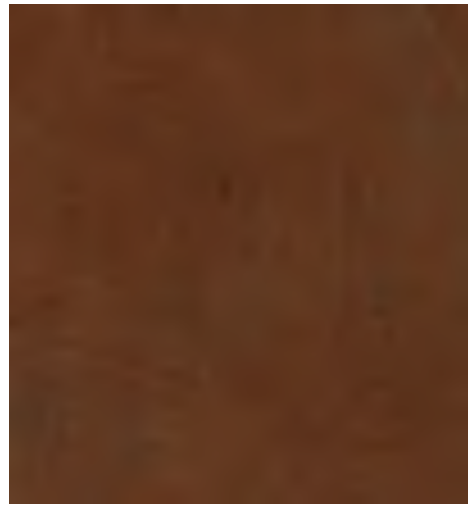
IN CONCLUSION.

The bodies which have been reported as favorable to, and persons who have petitioned for the enactment of, a bankrupt law, and the individuals who are members of the organization which has been formed to promote the agitation, are summarized by States and Territories as follows:

	Bodies and petitioners.	Officers and committee-men.		Bodies and petitioners.	Officers and committee-men.
Alabama	.....	7	Nebraska	5	3
Arkansas	6	8	New Hampshire	3	0
California	5	5	New Jersey	4	2
Colorado	2	4	New Mexico	1	1
Connecticut	3	1	New York	24	18
Delaware	1	1	North Carolina	2	2
District of Columbia	1	0	North Dakota	1	3
Florida	2	3	Ohio	16	22
Georgia	4	6	Oregon	3	4
Illinois	14	21	Pennsylvania	10	12
Indiana	2	4	Rhode Island	4	2
Iowa	7	11	South Carolina	1	2
Kansas	3	4	South Dakota	1	1
Kentucky	4	11	Tennessee	5	2
Louisiana	8	10	Texas	12	4
Maine	6	1	Utah	0	2
Maryland	3	2	Vermont	0	7
Massachusetts	19	11	Virginia	4	2
Michigan	11	11	Washington	3	1
Minnesota	17	17	West Virginia	3	3
Mississippi	3	3	Wisconsin	5	9
Missouri	15	27			
Montana	2	1	Total	245	273

The movement in behalf of this measure is non-sectional and non-political, as will appear from the above table. It is not in the interest of any class, but for the benefit of all classes. The expenses of conducting the agitation have not been borne by men engaged in a particular calling or living in a particular State, but have been paid out of petty voluntary subscriptions by men in all callings and in all of the States.

It is respectfully submitted that the measure is entitled to an early hearing by Congress and that it ought to be passed.

For the executive committee,

WM. E. SCHWEPPE,
Chairman.